

Self-Determination, Human Rights, and the End of Empire in the 1970s

[Henry] Kissinger: They've been going to put into [United States Secretary of State William] Roger's speech at the U.N. some stuff that we want more self-determination in Africa. And I said, "absolute nonsense."

[Richard] Nixon: More self-determination would mean more nations.

Kissinger: That applies—they'll apply that to Mozambique and South Africa. They won't apply it to black [unclear].

Nixon: Yeah. Goddamn. Just think, 42 countries in Africa. 42 countries. That's ridiculous.¹

In October 1975 Tunisian president Habib Bourguiba, speaking to the French newspaper *Le Monde*, remarked on the controversy surrounding the future of the Spanish Sahara (Western Sahara), then claimed by Morocco and Mauritania. "Self-determination for 40,000 nomads?" he asked. "Let's not exaggerate." Western Sahara was "a little phantom state" best absorbed by its neighbors lest it destabilize the region.² A few weeks later, following a massive march to the border of the territory by hundreds of thousands of Moroccan citizens and a veiled threat of invasion, the Spanish government negotiated the handover of Western Sahara to Morocco and Mauritania, a move resisted by the armed, Algerian-backed Polisario independence movement. The predictable panoply of human rights abuses (as understood in the West, at least) followed: forced displacement of ethnic Sahrawi, arbitrary arrest and imprisonment, torture and murder, little noticed because they took place in a territory whose claim to self-determination remained unresolved and in the context of what the Polisario termed a war of national liberation.

The connection was not lost on the United States ambassador to the United Nations, Barbara White, who that same month spoke before the Third Committee of the UN General Assembly on "the importance of the realization of the universal right of peoples to self-determination." Invoking the Americans' historical experience as a model, she noted that "achievement of self-determination must mark renewed efforts to guarantee human rights and the dignity of the individual."³ In other words, where self-determination is achieved, human rights can begin. Yet the United States would exhibit a studied ambiguity on the question of self-determination in Western Sahara, as in East Timor, Palestine, and many other places where the denial of self-determination and other human rights abuses were directly connected, and just as it had bitterly opposed inclusion of a right to self-determination in the United Nations Charter in 1948.

It is no coincidence that the final collapse of European colonialism in the early 1970s paralleled the explosion of individual-based human rights activism in Europe, the United States, and elsewhere, or that postcolonial states and anticolonial movements continued to insist that collective self-determination broadly construed was the “first right” from which all other human rights derived.⁴ Kenneth Cmiel, however, has observed that Western nations in the 1970s “did not agree that this was a fundamental human right,” often viewing movements for self-determination as the untidy leftovers of state-building anticolonial campaigns of previous decades and threatening in the expansive claims made on its behalf. Historians of human rights mostly agree, consigning self-determination to the history of decolonization. Those who have explored their intersection, most recently Roland Burke, offer a declensionist narrative in which liberal, democratic visions of self-determination among the first generation of postindependence leaders in the 1950s gave way to the “organized hypocrisy” of authoritarian states in later decades, which used self-determination claims as a shield rather than as a sword.⁵ Instead, the historical human rights literature emphasizes the emergence of local, national, and transnational movements for *individual* human rights in the postwar period and especially in the 1970s. Yet the latter, I will argue, is deeply connected to the former. The end of formal European colonialism, by delivering the “first right” to the vast majority of the world’s peoples, made possible the strategic embrace by the West of individual human rights and facilitated the explosion of rights activism. At the same time, even as the era of formal European colonialism shuttered to an end, the United States, Great Britain, and other former colonial powers sought to contain the principle of self-determination as a human right along imperial lines, so as to continue restricting its meaning to the anticolonial and political sphere, rather than the realm of cultural rights or, more dangerously, international economic relations. Yet, like human rights more broadly, the meaning of self-determination as a human right in the 1960s and 1970s was fractured and contested along lines that transcended neat East-West or North-South divides.

Despite a wealth of scholarship exploring the explosion of transnational human rights organizations and the institutionalization of norms in state bureaucracies and multilateral forums, historians have largely told a story of diffusion of civil and political rights, generally radiating from the West outward, with origins ranging from the French Declaration of the Rights of Man in 1789 to Ship Harbour, Newfoundland, in 1941.⁶ The human rights history of the period, however, looks quite different if refracted through the lens of self-determination rather than civil and political rights, shifting the focus of our gaze from Latin America and the advanced industrial states to Africa, the Middle East, and South Asia, and from Western parliaments and NGOs to multilateral institutions and the diplomacy of the Nonaligned Movement and G77.

A reexamination of the contested politics of self-determination in the late 1960s and 1970s suggests there was no single “human rights movement” with a clear set of goals or even a rough consensus on what constituted core human rights. Rather, like other contested human rights norms, the meaning of self-determination emerged from political, ideological, and sometimes even military conflict, with a multiplicity of actors seeking to enlarge or constrain it to suit their own purposes. Reframing the

history of human rights in this fashion challenges the teleological, self-referential, and self-congratulatory story that scholars have previously told about the emergence of campaigns against torture and political imprisonment as the main focus of human rights politics during the 1970s. Instead, this essay treats the human rights politics and discourses of the decade as an ongoing contest in which alternative conceptions of rights, especially the right of self-determination, were rejected by the former colonial powers or subordinated as a result of often bitter political conflict within and between state bureaucracies, international forums, and NGO boardrooms.

Self-Determination's Uneasy Descent

Historians have produced a small torrent of scholarship in recent years on the discourse and politics of human rights in the twentieth century.⁷ We still lack similar treatments of the idea of self-determination and its intersection with contemporary debates about decolonization, minority protection, the nature of sovereignty, and related concepts.⁸ Yet the limited studies we do have suggest that from the proclamation of the Atlantic Charter in 1941, and continuing through the drafting of the United Nations Charter in October 1944 and the December 1948 signing of the Universal Declaration of Human Rights (UDHR), significant fissures opened within the postcolonial world, as well as within the colonial powers and the Socialist Bloc as to the scope and meaning of self-determination as a human right. These debates, every bit as fierce as those over the UDHR itself, were inseparable from broader political contests over postcolonial social, political, and economic organization, the nature of state sovereignty, and the future of European (and informal U.S.) empire. In this way they intersected with, rather than mapping smoothly onto, other contemporary debates about the nature and scope of human rights. These debates also raised a series of seemingly unanswerable questions: “Was self-determination a human right or a general principle,” and if so, who was the “self” to whom it applied—individuals, ethnic or national groups, all peoples living within the boundaries of a former colonial territory, or something else entirely? “Did it implicate economic as well as political independence? Did it encompass the right to internal democratic participation? Did it apply only to colonial or non-self-governing territories, or did it apply to national groups seeking to secede from recognized states?”⁹

The Universal Declaration of Human Rights of 1948 did not resolve these debates because it excluded self-determination as a human right—an important reason, Samuel Moyn argues, for why anticolonial movements seized on the latter and not the former as the ideological framework for national liberation struggles. Beginning in the early 1950s, however, non-Western states sought to institutionalize the status of self-determination in the UN human rights machinery, working through the Human Rights Commission and the General Assembly’s Third (Social, Humanitarian, and Cultural) and Fourth (Special Political and Decolonization) Committees. In 1960 a coalition of African and Asian states in the General Assembly secured passage of the landmark Resolution on the Granting of Independence to Colonial Countries and Peoples. The Declaration formally established self-determination as “the legal foundation for the establishment of the sovereign state from the colonial territory” while rejecting arguments about primitivism and backwardness as a basis for continued

colonial rule, though countries of all ideological stripes continued to make them.¹⁰ In 1965, the UN adopted the legally binding International Convention on the Elimination of All Forms of Racial Discrimination, linking apartheid with decolonization and self-determination and making a breach in the wall of state sovereignty through which a generation of human rights NGOs would later enter. The following year, culminating a decade of negotiations, the General Assembly adopted the Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, Article I of which began with the famous passage “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.”¹¹

The adoption of the covenants was the result, not the cause, of the extraordinarily rapid collapse of European empires, the emergence of new states, and the transformation of the UN that an expanded membership made possible. While the General Assembly and its newly independent members voted overwhelmingly in favor of both resolutions, many Western and European states did not, including the United States, Australia, Canada, Denmark, the United Kingdom, Sweden, France, Luxembourg, Turkey, the Netherlands, and New Zealand. The United Kingdom viewed Article I as “one of the most problematical articles in the covenant,” deeply threatening to the future status of its non-self-governing and trust territories. Britain, like most colonial powers, insisted that “rights” inhered in individuals and not collectively identified “peoples,” that self-determination was a principle, not a right, and that this principle imposed no legal obligation on states.¹² The dramatic shift in the membership of the General Assembly, however, forced a reconsideration of imperial powers’ views, or at least the optics surrounding them, as debates about self-determination began “affecting the legitimacy of empire,” thus contributing “to making colonial rule untenable.”¹³

Shortly after approving the human rights covenants (the overwhelming votes for which gave them the whiff, if not the substance, of international law), the General Assembly began considering what eventually became the 1970 Declaration of the Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations. The Declaration arose in response to a Yugoslav proposal to enshrine the Principles of Peaceful Co-Existence as basic principles of international law.¹⁴ The United States and other Western states countered with a more broadly conceived declaration which again included “the principle of equal rights and self-determination of peoples,” this time containing a “safeguard clause” linking self-determination to “peoples . . . possessed of a government representing the whole peoples of the territory without distinction as to race, creed or color.”¹⁵

Surveying the political landscape among the nations of the Nonaligned Movement, the British Foreign Ministry now concluded that “continuation of old principle hurts [the] United Kingdom in human rights issues,” diminishing its ability to pursue a moderate path on the question of Southern Africa and to criticize the Soviet Union in Eastern Europe, and leaving the field at the UN open to more radical anticolonial forces. “The time has come,” one British official suggested, “that we have

more to gain than lose from conceding the existence of some form of right to self-determination.” Perhaps more important, London sensed that recognition of a “right” to self-determination would not impose substantive new burdens on it or other “perplexed proprietors of tiny territories,” almost all of which would likely retain close trade, political, and security ties to colonial metropolises even if they became independent.¹⁶

The 1970 Declaration of the Principles of International Law marked a turning point in the evolution of self-determination claims, simultaneously expanding and telescoping them. It expanded the definition of self-determination from an act of colonial emancipation to a process linked to representative government, one that could be equally applied to South Africa under apartheid and the states of Eastern Europe under Soviet domination. Subsequently, to cite just one example, representatives of the Estonian Democratic Movement and the Estonian National Front appealed to UN member states to urge the withdrawal of Soviet troops from the Baltics and the holding of free elections, couching their demands in terms of the 1966 Covenants, the 1960 declaration on decolonization, and other UN documents “declaring the right of all peoples to self-determination.”¹⁷ More relevant for the United States and Britain—those “indefatigable collector[s] of bits and pieces of empire”—the Declaration also stated that self-determination could take forms other than independence, including “the free association or integration with an independent State or the emergence into any other political status freely determined by a people,” widening the scope of possible outcomes beyond those envisioned by anticolonial movements. “It is our long-standing position,” U.S. secretary of state William Rogers later argued, “that independence is only one of several possible outcomes of [a] process of self-determination,” a position that the United States and Britain used to endorse the variety of arrangements that they envisioned for non-self-governing and trust territories such as Micronesia, Guam, the British Virgin Islands, and other small or island states. When convenient, the Soviet Union would resort to similar formulations to justify its presence in Eastern Europe and position on the nationalities question within the USSR itself.¹⁸

The Colonial Question and Self-Determination

Over the next few years, newly independent and socialist states advanced a blizzard of initiatives within the UN system, further solidifying the link between anticolonialism, self-determination, and human rights. Much of this activity was focused on the Israeli occupation of Palestinian territories and on southern Africa, where the triple evils of white supremacist rule in South Africa and Rhodesia, Portuguese colonialism, and South Africa’s annexation of South-West Africa served to radicalize discussion of human rights in multilateral forums.

The incorporation by newly independent states of human rights discourses within the framework of anticolonialism and self-determination exposed the vast gulf between their understandings of rights and those proffered by Western governments and the NGOs which began to spring up alongside them in the late 1960s and 1970s. On no issue was the distinction clearer than the question of armed struggle, which the United States, Britain, and other states rejected as a matter of course—unless they

were doing the arming—and which liberation movements, postcolonial states, and socialist states defended with sacramental fervor, unless claimed by restive internal minorities (Biafra, Bangladesh), occupied peoples (Palestine), or unruly satellites (Hungary, Czechoslovakia). A succession of disputes within the ECOSOC Committee, the Decolonization Committee, the Terrorism Committee, and the Legal Committee on Armed Conflicts reveals a terrain of debate over the meaning of human rights and terrorism almost wholly alien to liberal sensibilities, especially those of Western liberals who, for principled or practical reasons, focused their attention on those victims of human rights abuse in other countries who forswore violence as a means of social change.

Few national liberation movements or postcolonial states claiming the right to self-determination practiced internal democracy or acknowledged the civil and political rights that were the focus of human rights activism in the West during the 1970s. The focus of debates at the UN, acknowledged directly or not, was the tactics of the alphabet soup of guerrilla movements fighting against occupation; colonial or racist rule in South Africa (ANC), Mozambique (FRELIMO), Angola (MPLA and UNITA), Rhodesia (ZANLA and ZIPRA), and Palestine (PLO, PFLP); and the Cold War concerns (in Washington and other capitals) that Soviet, Cuban, and/or Chinese support for them engendered. The practical question was whether the United Nations could or would acknowledge that, if self-determination was indeed a fundamental human right, peoples living under colonial domination had the right to use any means at their disposal—including armed struggle—to achieve it.¹⁹

The UN Decolonization Committee (Committee of 24), increasingly dominated, in Western eyes, by newly independent Asian and African states and the Soviet Union, suggested that the answer was yes. Beginning in 1967 it began passing a series of resolutions urging member states to offer all possible support for liberation movements in South Africa, Southern Rhodesia, Namibia, and the Portuguese territories, and it called for an arms embargo against Portugal and Southern Rhodesia.²⁰ The Nixon administration, which valued the U.S. lease on the Lajes airbase in the Azores and continued to nurture close relations with the authoritarian government in Lisbon, refused to support the declaration, while London did likewise for Rhodesia. The Committee passed similar resolutions urging UN member states to extend recognition to Amílcar Cabral's African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC), the South-West Africa People's Organization (SWAPO), the Palestinian Liberation Organization (PLO), the ANC, and other armed liberation movements.²¹ Trinidad and Tobago's ambassador to the UN, Patrick Solomon, told the U.S. ambassador that he "supported [the] Program of Action's endorsement of use of force as only way left to oppressed people of South Africa," adding that the United States "used force in Southeast Asia, and could hardly be critical of resort to such extreme measures by others." American and British frustration with dominance of the Committee by radical forces and the "extreme and unworkable measures" proposed by the Committee in its Program of Action on Decolonization, including "condoning [the] use of violence," led them in 1971 to withdraw from it entirely.²²

Disputes over the right of liberation movements to employ armed struggle to achieve self-determination surfaced repeatedly within the Human Rights Commission

and even the UN Committee on Terrorism. Discussion of a 1973 resolution which would have marked one of the first definitive UN statements on terrorism stalled over an inability to bridge the gap “on the relationship between action on international terrorism and [the] struggle for self-determination.” Most Afro-Asian and socialist members insisted that “violations by states of human rights and fundamental freedoms, in particular the refusal to recognize the right of peoples to self-determination,” lay at the root of terrorism. The United States, United Kingdom, Canada, France, Iran, Nigeria, and Israel firmly rejected this position and feared establishing a “dangerous doctrine” that “anything goes”—such as attempted secession by Kurds or Biafrans or airplane hijackings by Palestinians—so long as the justification was self-determination. Elsewhere, in the UN General Assembly’s Legal Committee a coalition of states led by Afghanistan, Algeria, Bulgaria, Chad, Egypt, Mongolia, Niger, Ukraine, Yugoslavia, Zaire, and Zambia sought to give combatants captured in national liberation struggles the status of prisoners of war, and their struggles the status of international armed conflicts.²³

These disputes climaxed in 1975 in the UNGA’s Third Committee, which debated a resolution on the “Universal Realization of the Right of Peoples to Self-Determination and of the Speedy Granting of Independence to Colonial Countries and Peoples for the Effective Guarantee and Observance of Human Rights.” A year earlier UN secretary-general Kurt Waldheim appointed a special rapporteur to investigate progress by member states in implementing UN resolutions relating to the right of peoples under alien and colonial domination to self-determination.²⁴ While the United States, France, United Kingdom, and Australia generally refused to reply to the UNSG’s request, growing pressure in the Third and Fourth Committees over the previous few years had led them to prepare and implement various consultations and referendums to legitimize their continued relationships with non-self-governing territories, and in some cases pave the way for independence (such as in Grenada, which gained independence in 1974).²⁵

Discussion within the UN’s Third Committee on Resolution 2158, as it became known, revealed both geographical and ideological splits among member states that crossed traditional East-West divides. While most African and Middle Eastern states and the Soviet Bloc supported the resolution—which endorsed the right of peoples continuing to live under alien or colonial rule to armed struggle—most Central and Latin American delegations joined the United States and its Western European allies in rejecting this language. China’s UN representative Li Wen-Chuan averred that “his delegation has always supported oppressed peoples in their struggle against colonialism, imperialism and hegemonism and for national liberation and independence and it therefore fully supports the draft.” Both Cuba (which supported paragraph 1) and the United States (which opposed it) called for separate votes on the language in question, the former hoping to isolate Washington and the latter hoping to differentiate its support in principle for self-determination from its rejection of armed-struggle movements.²⁶

The years 1974 and 1975 did mark a turning point of sorts. Portugal’s Carnation Revolution of April 1974, which ousted the Estado Novo regime, prompted its successor to declare the right of its former colonies to self-determination and begin a

pell-mell retreat from empire which would lead to civil war and superpower intervention in Angola and Mozambique, independence for Guinea-Bissau, and an Indonesian invasion of East Timor in December 1975. In April of that year the Vietnam War finally ended as North Vietnam forcibly reunited the country, ending Washington's two-decade-long effort to create largely out of whole cloth an independent, anticommunist state called South Vietnam, whose existence a succession of U.S. administrations justified with reference to South Vietnam's right to self-determination. And in August 1975 the Conference on Security and Cooperation in Europe issued the Helsinki Final Act, ratifying the postwar settlement of Europe and adopting the UN's 1970 Declaration of the Principles of International Law, including the famous political Trojan horse of human rights and self-determination that would galvanize European activists. Between 1974 and 1976 Cape Verde, the Comoros, Sao Tome and Principe, Mozambique, Angola, Samoa, the Seychelles, Suriname, Papua New Guinea, and Guinea-Bissau joined the UN, the last burst of independent states until the end of the Cold War and the collapse of the Soviet Union. The achievement of self-determination, in form if not in substance, by the vast majority of the world's peoples formerly living under colonial rule (with significant exceptions in Rhodesia, Southern Africa, and Palestine) also marked a turning point in the history of the global discourse of human rights.

Describing U.S. secretary of state Henry Kissinger's September 1975 speech to the United Nations on the challenges of interdependence, Daniel Sargent argues that "even in this moment, Kissinger did not explain how human rights would be *reconciled with 'the triumph of the principle of self-determination and national independence' as guiding principles of international relations.*"²⁷ However, it was precisely in those places where self-determination had already triumphed, or had been acknowledged by the great powers, that liberal human rights could now be reconciled. The State Department acknowledged as much when UN ambassador Patrick Moynihan submitted to the UN's Third Committee a draft UNGA resolution appealing for the release of all political prisoners (at least those the United States recognized as such). The draft resolution, negotiated by Moynihan with the U.S. congressional human rights activist Rep. Donald Fraser (D-Minnesota), pointed to the Helsinki Final Act as "concluding an era of political strife and international tension in Europe" and noted the great progress achieved in "ensuring the right of self-determination for peoples everywhere." Now that "a new era of cooperation and political amity between nations is emerging . . . this lessening of international tensions makes derogations by states of the rights of peoples to exercise their human rights even more unjustifiable." One political scientist argued that the United States would not be able to focus on human rights, what she termed "individual self-determination," until it had severed the false connection between human rights and national self-determination.²⁸ Most newly independent states, however, having achieved the "first right" of self-determination, now hoped to wall themselves off from the prying eyes of those in the international community who would shift their gaze from the collective rights of liberation movements to the individual rights of citizens. Sovereignty, now that they had it, would be absolute, the missives of human rights activists intolerable interference in their internal affairs.

The Limits of Self-Determination: Primitivism, Secession, and the New International Economic Order

While the United States and its European allies, China, the Soviet Bloc, and the nations of the postcolonial world often violently disagreed on the nature and scope of self-determination as a human right, on the question of secession there was something approaching genuine consensus in all but the most extreme of cases. Much of the burgeoning social science literature on self-determination in the 1960s and 1970s focused on this question, which lay at the heart of the postcolonial settlements and the emergence of independent states from the remnants of former colonial territories.²⁹ Even as the UN General Assembly moved to declare colonialism a crime and enshrine self-determination as a fundamental human right, member states made clear that the territorial integrity of new nations was inviolate, or, as former Indonesian foreign minister Subandrio put it, that “the right of self-determination applies . . . to the entire population of a colony as a unit and to the entire territory of a colony as a unit. . . . [It] is not something to be applied to racial, cultural or ethnic groups within a colony.” This position, of course, inverted the Wilsonian response to the “minorities question” after World War I, which was—in certain cases—to bless the creation of ethnically or culturally homogenous states out of the ruins of the Hapsburg and Ottoman empires.³⁰ The UN, with African members in the lead, repeatedly condemned attempts by secessionist movements to redraw the borders of often fragile multiethnic states, and it explicitly or tacitly authorized the Congo, Nigeria, and other countries threatened by such movements to take whatever actions necessary to preserve their territorial integrity. At a January 1970 press conference, in response to a question about tactics used by the Nigerian government in its effort to suppress the secessionist movement in Biafra, UN secretary-general U Thant stated that the “United Nations’ attitude is unequivocal . . . the UN has never accepted and does not accept and I believe it will not ever accept the principle of secession of part of its member states.”

The United States and other Western governments scrupulously avoided using the term “human rights” to describe secessionist movements or “human rights abuses” to describe the tactics used to suppress them. Instead, Nixon administration officials described the situations in both Biafra and Bangladesh—where Pakistani depredations in 1971 rose to genocidal levels—as mere humanitarian crises demanding relief, rather than human rights crises demanding a political response or intervention (though the United States and other states intervened politically by siding with the Nigerian and Pakistani governments). But the rest of the world took notice of the disjuncture. India’s UN ambassador pointedly wrote to Nixon that “the fact of the matter is that the rulers of West Pakistan got away with the impression that they could do what they liked because no one, not even the United States, would choose to take a public position that while Pakistan’s integrity was certainly sacrosanct, human rights, liberty were no less so and that there was a necessary inter-connection between the inviolability of States and the contentment of their people.”³¹ The Carter administration employed a similar logic in describing its refusal to acknowledge human rights abuses in East Timor, arguing before Congress that Indonesian military operations in East Timor were a legitimate response to “armed groups such as Fretilin who are employing armed force against the government.”³²

Within a year the international community would be forced to reckon with the reality of secession in East Pakistan, if not the principle. Bangladesh, however, would prove an exception, the sole Cold War example of a successful secessionist movement leading to a new, independent country. There are many reasons why Bangladesh's situation was unique: its geographic isolation, majority peoples status within Pakistan, the democratic mandate of the Awami league, and the decisive military intervention of India, backed by the Soviet Union. Moreover, the sheer scale of suffering in Bangladesh raised the profound question of whether human rights abuses on a sufficiently massive scale could justify the dissolution of a sovereign state.³³ For most of the international community the answer remained no; the principle of territorial integrity and "the non-interference principle trumped the interference principle of the human rights/genocide rhetoric." Only the Soviet Union and its allies backed India in UN resolutions that called for a ceasefire in Bangladesh and a withdrawal to international borders, "though such an outcome would leave Pakistan in control of East Pakistan as before."³⁴

Though the Soviet Union sided with India over Pakistan on the issue of self-determination for Bangladesh, Soviet leaders matched their Western counterparts in basing their support for self-determination as a human right on geopolitical rather than principled grounds, hailing the notion when it suited their interests and denouncing it when it did not. For Moscow, Bangladesh was an exception that proved the rule. Moscow's response to the conflict between Somalia and Ethiopia in the late 1970s was more typical. As Arne Westad has described, Moscow switched its support from Somalia to Ethiopia after the Provisional Military Administrative Council took over in Addis Ababa in 1974, viewing the revolutionary regime there as more reliable allies than the revanchist Siad Barre regime in Mogadishu.³⁵ Upon coming to power in Somalia, Barre began laying claim to the Ogaden territory, home to a substantial Somali minority, as well as offering support to Eritrean separatists, telling Soviet officials in Mogadishu that PMAC chairman H. M. Mengistu "does not abide by Leninist principles in the nationality issue," that is, support for self-determination of peoples. In 1977 Somalia launched a disastrous war to try and retake the Ogaden, only to be stymied by a massive Soviet and Cuban military campaign in support of Mengistu. Soviet analysts denounced Barre and other Somali officials for "using as a cover demagogic declarations about the right of nations to self-determination" to mask Somalia's irredentist ambitions. They were no more supportive of Eritrean efforts. "It is especially necessary," R. A. Ulyanovsky of the CPSU Central Committee told his East German counterpart, to convince the Eritrean Liberation Movement "that self-determination for the Eritrean people will be achieved within the framework of [an] Ethiopian state."³⁶

Though the 1960 decolonization declaration specifically renounced assertions of primitivism and backwardness as justifications for continued colonial rule, both Western and non-Western states continued to use these as a basis for rejecting the right to self-determination leading to independence for those deemed as such, even when doing so meant legitimizing acts of postcolonial aggression. The former Dutch territory of West New Guinea (later known as West Irian, later as West Papua) provided a template. Indonesia claimed West New Guinea as part of the former Dutch

East Indies, and Sukarno threatened war with the Netherlands to force President Kennedy to broker an agreement in 1962, turning the territory over to Jakarta pending a UN-sponsored act of self-determination. Indonesia organized the so-called Act of Free Choice under UN auspices in 1969, leaving nothing to chance in what is now widely regarded as a fraudulent process. Indonesian, U.S., and Australian officials, however, almost uniformly agreed that Papuans were too tribal, primitive, and backward to merit self-government, rendering integration with Indonesia—in their view—the only conceivable outcome. As the U.S. ambassador to Indonesia Marshall Green put it, “We are dealing here essentially with stone age, illiterate tribal groups” and “free elections among groups such as this would be more of a farce than any rigged mechanism Indonesia could devise.”³⁷

Similar considerations underlay Western support for Indonesia’s invasion and occupation of the Portuguese territory of East Timor in December 1975. Australia’s Department of Foreign Affairs argued in 1974 that, though it had the right to self-determination, “Portuguese Timor is not at present a viable economic entity and . . . would have no capability in the short term to handle a self-governing or independent status.”³⁸ The leader of New Zealand’s Opposition National Party Robert Muldoon told President Suharto in a meeting in February 1975 that “a completely independent Portuguese Timor was not a viable economic proposition,” an “indigestible lump,” as another observer put it more colorfully. Suharto agreed, telling U.S. president Gerald Ford a few months later that the Portuguese colony “would hardly be viable” and that “the only way” to decolonize “is to integrate into Indonesia.”³⁹ After Indonesia’s invasion, the Ford administration voted twice in favor of two Security Council resolutions that affirmed East Timor’s right to self-determination and called on Indonesia to withdraw “without delay,” while working behind the scenes to gut them. By 1976, however, it was abstaining on similar resolutions, and in November it voted against a General Assembly resolution that rejected Indonesia’s annexation of East Timor the previous July, which Indonesia had justified as an act of self-determination.⁴⁰ Between 1977 and 1980, the United States and other supporters of Jakarta voted three times against UN General Assembly resolutions rejecting Indonesia’s annexation of East Timor and reaffirming its right to self-determination and worked to remove East Timor from the agenda of the UN decolonization committee. The U.S. position was at odds with that of a divided Nonaligned Movement, which during this same time twice voted in favor of resolutions reaffirming East Timor’s right to self-determination and calling for speedy independence for the territory.⁴¹

The European powers’ stance on Timor proved strikingly similar to that regarding the Moroccan and Mauritanian takeover of Spanish Sahara in December 1975, two months after the International Court of Justice ruled that partition and annexation of the territory violated the “freely expressed will of peoples” there for independence. While repeatedly affirming Western Sahara’s right to self-determination, the United States, France, Great Britain, and other European powers expressed their *de facto* support for a Moroccan and Mauritanian partition of the territory, viewing it as too sparsely populated and primitive to become anything but the object of regional and, potentially, global rivalry.⁴² Though the United States and Soviet Union backed Morocco and Algeria, respectively, with weapons and assistance, the chief goal of each

was to prevent Western Sahara from escalating into a Cold War conflict. Others, such as the United Kingdom (which imported 75 percent of its phosphate from Morocco), Spain, and France, had longer-standing economic and colonial stakes in backing the Moroccan and Mauritanian position.⁴³ The Organization of African States and Nonaligned Movement were deeply divided on Western Sahara, as on Timor, unable to come to a resolution of the conflict that could reconcile their support for self-determination with broader regional rivalries and ambitions, as well as personal and ideological disputes.⁴⁴

Economic Self-Determination and Human Rights

Of all the self-determination claims made by the nations of the so-called Global South in the 1970s, perhaps none rankled Western sensitivities more than those that linked self-determination as a human right to the notion of economic sovereignty. The issue was of course central to the hopes of states emerging from colonialism or dominated by foreign firms for autonomous development that would lead to their integration with the world economy on fairer terms. This meant, first and foremost, challenging the continued control of their economies by former colonial powers, foreign firms, multilateral institutions that shaped the framework for the disbursement of development assistance, and a global trading and legal system that favored the needs of advanced industrial economies and the companies residing in them over those countries dependent on producing primary products. Nationalist leaders deploying claims to economic self-determination were not advocating a particular development strategy (socialist vs. capitalist, autarchic vs. free trade, etc.) but rather insisting that political decolonization and independence necessitated sovereignty over resources, investment decisions, and macroeconomic policy in order to be meaningful. The United States and other great powers, however, just as regularly rejected the notion that self-determination implied the right to control natural resources, nationalize foreign firms, or otherwise opt out of the multilateral trading system established at Bretton Woods in 1944. Commenting in 1952 on Iran's nationalization of the Anglo-Iranian Oil Company (AIOC), Walter Levy, at the time probably the world's leading petroleum consultant, questioned "whether in a situation where a vital power position of the U.S. is at stake, it can afford to apply fully the normal and traditional laws of sovereign self-determination to the control of underdeveloped countries over the oil in their soil."⁴⁵

While often not treated as such by historians, governments and political movements in the Global South increasingly used a language of human rights to assert their demands for economic self-determination, demands that made their way into debates at multilateral forums. Both the 1960 declaration on decolonization and the 1966 human rights covenants expressly assert the right of states emerging from colonialism to "freely determine their political status and freely pursue their economic, social and cultural development." The United States justified its rejection of the UN human rights covenants in 1966 on the basis that Article 1(2), which stated that "All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice," did not provide for the "prompt, adequate and effective compensation" Washington demanded in case of the nationalization of foreign firms.⁴⁶ Western

political scientists writing about self-determination in the late 1960s fretted about the implications of acknowledging a right to economic self-determination and argued that “the problem would be simpler if self-determination had never been called a right and if the limits of its application had been more clearly specified from the first.” Later accounts simply wrote economic claims out of the history of self-determination entirely.⁴⁷ But once unleashed, such formulations were seized upon by a wide range of state and nonstate actors, from postcolonial regimes in Africa to African American and Native American groups in the United States, including black nationalists such as Malcolm X, to call for “economic self-determination” for their communities.⁴⁸

Even as they grudgingly moved toward accepting some notion of self-determination as a human right, colonial powers sought to limit its application to the narrowest possible sphere and ensure that doing so would not impinge on their economic prerogatives. In other words, self-determination did not imply economic sovereignty. Following passage of the human rights covenants, for example, Australia began considering self-determination and independence for the tiny island territory of Nauru, one of Canberra’s few non-self-governing territories. In discussions with the British Colonial Office, Australian officials noted that the only barrier to immediate independence for Nauru was concern about control of the island’s rich phosphate deposits. They concluded “that balance of advantage would be to give Nauruans ‘independence’ in 1968 as part of package deal in which Nauruans would sign a phosphate agreement guaranteeing continuing supply of phosphate” at fixed prices; “otherwise title to phosphate rights and *nominal* control of the industry would pass into the hands of Nauruans” (emphasis added). Similar concerns informed official Australian discussions in 1975 about the transfer of independence to Papua New Guinea, with its extraordinarily rich copper and gold deposits.⁴⁹

Latin American states, which voted reliably with the United States in UN forums on the question of self-determination and armed struggle, were among the most vociferous in asserting economic self-determination as a human right, especially when it came to restraining the prerogatives of transnational corporations. Chile’s foreign minister under Salvador Allende told the UN Human Rights Commission in March 1973 that “Third World countries cannot give all human rights because they are confined by poverty, dependency and exploitation.” A “new concept of self-determination” was needed, he added, which would comprehend political, economic and social aspects” and account for the role of multinational corporations, which “violate self-determination by penetrating societies and subjugating peoples.” East Germany’s ambassador to the UN agreed, stating that “political liberation and economic liberation are closely related . . . it is high time to examine the detrimental effects of the operations of transnational monopolies on the realization of human rights and to take national and international measures for that purpose.” In the midst of Security Council discussions over the Panama Canal zone, Panama’s delegation to the UN submitted a “Draft Resolution on Permanent Sovereignty Over Natural Resources,” later adopted at the Latin American Foreign Ministers conference in Bogota, which declared that any efforts to pressure member states over the disposition of their natural resources violated UN principles of self-determination and noninterference in the internal affairs of states.⁵⁰

The following March, in a special session of the Economic and Social Council, the Group of 77, led by Iran, issued a declaration of principles for the establishment of a New International Economic Order (NIEO) to accelerate the development of poor countries and close the widening gap between them and the industrialized world.⁵¹ The declaration served as a potent counterpoint to Kissinger's address to the 28th UNGA on interdependence, reiterating the language on self-determination, sovereignty, control over natural resources, and the right of nationalization of previous UN statements, couched in the language of human rights and anticolonial nationalism. The NIEO represented the high tide of efforts by the Nonaligned Movement and Group of 77 to use the UN machinery to build political solidarity and consensus around a restructuring of international economic relations, prompting lots of hand-wringing in Washington, London, and other capitals over how to identify and exploit differences among Nonaligned Movement and G77 members.⁵² Over the course of the next year, the foreign ministers of the Nonaligned Movement, meeting in Lima in August 1974, recommended a program of action to rein in the activities of multinational corporations which violated human rights and self-determination of peoples. After more than two years of negotiations dating back to 1973, the UNGA in December issued a Draft Charter on the Economic Rights and Duties of States (CERDS) rooting human rights in equal development, self-determination, and the creation of the NIEO. And 1975 witnessed a flurry of discussions and declarations, building on and referencing the famous Church Committee hearings on multinational corporations and United States foreign policy, in order to emphasize the need to rein in the power of MNCs, especially those investing in and indirectly working to support racist regimes in Rhodesia and South Africa that violated the rights of their citizens.⁵³ Nonaligned Movement solidarity on the creation of an NIEO and other issues was always fragile, masking deep economic and political differences among member states, which emerged starkly in the wake of the oil price hikes of the 1970s and the massive wealth transfers from non-oil-producing states that these produced. But the grounding of calls for an NIEO in terms of human rights and self-determination marks a striking repudiation of Western discourses of individual human rights.

The Human Rights Movement and Self-Determination

The global human rights movement about which historians have recently spilled so much ink was almost entirely absent from such debates. The individualistic, liberal human rights discourse in the West, which ranked civil and political over collective economic and social rights and, in particular, the right to self-determination, compounded the difficulties faced by movements in the colonial and postcolonial world advancing self-determination claims in the name of human rights, even in the wake of the 1966 Covenants. As Katherine Sikkink has recently observed regarding Latin America, "The focus on the rights of the person found an echo in the liberal ideological tradition of the Western countries, where the human rights movement had the bulk of its members. But the focus on basic rights of the person was also consonant with the human rights problems in the main target countries of the early movement," places such as Brazil, Chile, or Greece, all of which had long histories as independent states in which rights talk did not grow out of anticolonial struggles.⁵⁴

This narrow human rights vision also reflected the original mandate of Amnesty International, which for the first twenty years of its existence focused almost exclusively on prisoners of conscience, torture, and the death penalty and took no stand on colonial questions. Organizationally, AI shied away from human rights abuses stemming from war, secession crises, and cross-border invasions such as Indonesia's attack on East Timor, where the overwhelming bulk of abuses stemmed from the denial of self-determination by the occupying power. Amnesty International's International Secretariat, in a directive to groups around the world working on Indonesia and East Timor, reminded them that "while governments may regard the human rights situation in East Timor as having a bearing on their stand on the issue of self-determination, AI does not urge governments to take any particular position on the issue." On economic issues it was likewise silent. Other human rights organizations exhibited similar ideological and political tendencies, though the Ford Foundation by the late 1990s had begun funding human rights-related projects focusing on the "right to self-determination" for American Indian communities. Noting this occlusion does not imply moral or political judgment of Amnesty International or its mandate, which was the product both of the strategic vision of its founders and the difficult choices they made to focus limited time and resources on issues they thought amenable to concerted action.⁵⁵ But it is worth contrasting AI with older organizations such as the American Jewish Committee and the International League for Human Rights, which was founded in the United States in 1942 and committed to anticolonial self-determination as a human right within the UN framework. The League submitted petitions to the Fourth Committee in the late 1970s and early 1980s framing East Timor's case in these terms. Many solidarity groups focused on East Timor, Biafra, and elsewhere made the same connection—linking human rights abuses to the denial of self-determination—and urged their governments to do so as well, exposing a gulf between differing visions of NGO human rights politics that historians have thus far accorded little consideration.⁵⁶

Conclusion

More than thirty years after the end of formal European colonialism, the international community continues to confront self-determination movements in the Southern Sudan, Kosovo, Spain, Western Sahara, Belgium, the Palestinian territories, the Kurdish regions of four countries, Russia, and many other areas. These are clearly challenges that will persist for the foreseeable future, and many such movements have deep historical roots and analogs. Yet self-determination's history remains poorly understood, and the principle itself the subject of widespread anxiety. I have attempted to do no more than survey some of the myriad ways in which states and movements deployed claims to self-determination as a human right, and some of the contested, even contradictory meanings accorded self-determination on all sides of East-West and North-South divides, especially regarding questions of economic self-determination. There was no single discourse of self-determination, any more than there was a single discourse of human rights.

This initial foray has raised more questions than it can answer in this short space, among them: was the ideological commitment of Third World states and movements

to self-determination genuine, or was it merely a discourse to be appropriated for instrumentalist purposes? Did self-determination claims substantively shape struggles for decolonization, human rights, and self-rule in the post-1945 period, or merely reflect them? Though it is tempting to see self-determination as simply a free-floating discourse, the implications of debates over its scope and meaning were not merely rhetorical. It had a materiality that helps to explain the bitterness of struggles conducted in its name. The growing status of self-determination in international law was both shaped by and reshaped the United States and UN response to decolonization movements in India, Indonesia, Algeria, Fiji, and many other places. In the late 1960s and early 1970s, as it achieved growing status and legitimacy in the United Nations, indigenous communities in the United States, Canada, Australia, and other advanced industrial countries began mobilizing to demand economic, linguistic, and cultural self-determination. An upsurge of Native American activism in the United States led to passage of the Indian Self-Determination and Education Assistance Act of 1975, which provided a new framework of relations with the federal government, paralleling similar movements around the world.⁵⁷ In some cases such claims challenged the legal and political prerogatives of multinational corporations and the existing framework of North-South economic relations, by insisting, for example, that self-determination encompassed economic sovereignty and control by states over their natural resources, or when Latin American states nationalized foreign mining and extractive firms in the 1970s.⁵⁸ The response of governments to these movements revealed the thickening of state and multilateral mechanisms for adjudicating self-determination claims as the colonial era drew to a close.

The history of self-determination claims and movements does suggest that a more critical and robust history of human rights in the 1970s would do well to take its cues from the priorities and initiatives of states, movements, and activists in the Global South, and to develop a research agenda which would make it possible to more fully recover their sometimes cacophonous voices, rather than treating them as the false echo of their liberal, imperial precursors in the United States and Western Europe.

NOTES

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9. Roger Normand and Sarah Zaidi, *Human Rights at the UN: The Political History of Universal Justice* (Bloomington: Indiana University Press, 2008), 212–20; Burke, *Decolonization*, 35–59.

10. Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Mass.: Harvard University Press, 2010), 84–119; Jean H. Quataert, *Advocating Dignity: Human Rights Mobilizations in Global Politics* (Philadelphia: University of Pennsylvania Press, 2009), 72.

11. International Covenant on Civil and Political Rights, G.A. Res. 2200, 21 U.N.

GAOR Supp. 16, at 49, 53, U.N. Doc. A/6316 (1966); Vernon Van Dyke, “Self-Determination and Minority Rights,” *International Studies Quarterly* 13, no. 3 (1969): 223–53.

12. Telegram 415 from UK Foreign Office to UK Mission to the UN, New York, February 22, 1966, CO 936–951, UK National Archives (hereafter UKNA); Note By the Foreign Office, February 25, 1967, FCO 60/46, UN Human Rights Covenants, 1968, UKNA; Note By Foreign Office, Steering Committee on International Organizations, UN Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, February 22, 1967, FCO 60/44–60/49, UKNA.

13. Eckel, “Human Rights and Decolonization,” 127.

14. “The United Nations, Self-Determination and the Namibia Opinions,” *Yale Law Journal* 82, no. 3 (1973): 533, 541; Airgram A-229 from Belgrade to State, September 20, 1963, RG 59 Central Foreign Policy Files 1963, box 4234, NARA; Borislav Blagojevic, “Codification of the Laws of Active and Peaceful Coexistence,” *Yugoslav Review of International Affairs*, September 5, 1963, 9–13.

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22. The Johnson administration came to this conclusion as early as December 1967. See Telegram 2835, USUN to State, December 6, 1967, RG 59, Central Files, 1967–1969, POL 19 UN, box 2575, NARA; Telegram 54, USUN to State, January 9, 1971, *United Nations, 1969–1972*, 107–8.

23. Telegram 9064 from U.S. Mission to UN to State, August 15, 1973, State Department FOIA Electronic Reading Room; Telegram 240857 From USUN to State, December 8, 1973, FOIA Electronic Reading Room; Telegram 6089 from USUN to State, USUN Unclassified Summary No. 57, December 11, 1976, FOIA Electronic Reading Room.

24. United Nations General Assembly Resolution A/RES/3246 (XXIX) of November 29, 1974. This resolution was similar in scope and tone (barring positive references to the Portuguese revolution) to resolutions passed annually by the UNGA since 1968, when the first such resolution was proposed at the International Conference on Human Rights, held in, of all places, Tehran. Summary of Discussion, “Importance of the Universal Realization of the Right of Peoples to Self-Determination and of the Speedy Granting of Independence to Colonial Countries and Peoples for the Effective Guarantee and Observance of Human Rights” (A/10156 and Add.1; A/C.3/L.2158).

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53. Telegram 270956 from State to New Delhi, “Draft Charter of Economic Rights and Duties of States (CERDS),” December 12, 1974, State Department FOIA Electronic Reading Room; Telegram 4709 from USUN to State, October 7, 1975, State Department FOIA Electronic Reading Room; *Multinational Corporations and U.S. Foreign Policy: Hearings before the Subcommittee on Multinational Corporations of the US Senate Foreign Relations Committee*, 93rd Congress, Washington, D.C., 1973; Telegram 5957 from USUN to State, November 14, 1976, State Department FOIA Electronic Reading Room.

54. Katheryn Sikkink, *Mixed Signals: U.S. Human Rights Policy and Latin America* (Ithaca, N.Y.: Cornell University Press, 2004), 57.

55. Though these choices were not always made for morally uncomplicated reasons. See Barbara Keys, “Anti-Torture Politics: Amnesty International, the Greek Junta, and the Origins of the Human Rights ‘Boom’ in the United States,” in Iriye, Goedde, and Hitchcock, eds., *The Human Rights Revolution*, 201–22.

56. Memo from Asia Research Department to All Sections, “AI’s concerns in East Timor,” August 1983, RG IV, box 25, Amnesty International USA Papers, Columbia University; Petition submitted by the International League for Human Rights to the Fourth Committee of the General Assembly of the United Nations, October 14, 1980, found in ETAN Papers, box 14, Tamiment Library, NYU. Daniel Sargent notes that the solidarity group American Committee to Keep Biafra Alive “emphasized the rights of Biafrans to self-determination as well as to material sustenance.” Sargent, “From Internationalism to Globalism,” 286.

57. Gunter Minnerup and Pia Solberg, eds., *First World, First Nations: Internal Colonialism and Indigenous Self-Determination in Northern Europe and Australia* (Sussex: Sussex Academic Press, 2011); Joseph Bauerkemper, “Sovereignty Matters: Locations of Contestation and Possibility

in Indigenous Struggles for Self-Determination,” *Studies in American Indian Literatures* 20, no. 1 (2008): 76–79, 93; Fletcher McClellan, “Implementation and Policy Reformulation of Title I of the Indian Self-Determination and Education Assistance Act of 1975–80,” *Wicazo Sa Review* 6, no. 1 (1990): 45–55.

58. Hasan S. Zakariya, “Sovereignty over Natural Resources and the Search for a New International Economic Order,” *Natural Resources Forum* 4, no. 1 (1980): 75–84; Christopher R. W. Dietrich, “‘Arab Oil Belongs to the Arabs’: Raw Material Sovereignty, Cold War Boundaries, and the Nationalisation of the Iraq Petroleum Company, 1967–1973,” *Diplomacy & Statecraft* 22, no. 3 (2011): 450–79.