

## COMPLETING HUMANITY

After the Second World War, the dissolution of European empires and emergence of ‘new states’ in Asia, Africa, Oceania, and elsewhere necessitated large-scale structural changes in international legal order. In *Completing Humanity*, Umut Özsu recounts the history of the struggle to transform international law during the twentieth century’s last major wave of decolonization. Commencing in 1960, with the General Assembly’s landmark decolonization resolution, and concluding in 1982, with the close of the third UN Conference on the Law of the Sea and the onset of the Latin American debt crisis, the book examines the work of elite international lawyers from newly independent states alongside that of international law specialists from ‘First World’ and socialist states. A study in modifications to legal theory and doctrine over time, it documents and reassesses post-1945 decolonization from the standpoint of the ‘Third World’ and the jurists who elaborated and defended its interests.

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# COMPLETING HUMANITY

The International Law of Decolonization, 1960–82

UMUT ÖZSU

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For Aklan and Allison, past, present, future

What is 'fair' distribution?

—Karl Marx

## CONTENTS

<i>Acknowledgements</i>	viii	
<i>Note on Terminology and Translations</i>	x	
<i>Table of Cases</i>	xi	
<i>Table of Treaties and Other Instruments</i>	xiii	
<i>Table of Resolutions</i>	xvii	
<i>Table of Domestic Statutes</i>	xxi	
<i>List of Abbreviations</i>	xxii	
<b>Introduction</b>	1	
<b>1 Fixing Selves</b>	36	
<b>2 Forging Universals</b>	72	
<b>3 Redistributing Resources</b>	104	
<b>4 Pooling Rights</b>	156	
<b>5 Righting Markets</b>	199	
<b>Conclusion</b>	240	
<i>Bibliography</i>	246	
<i>Index</i>	312	

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ix

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An earlier and less detailed version of Chapter 2 first appeared as 'An Anti-Imperialist Universalism? *Jus Cogens* and the Politics of International Law', in *International Law and Empire: Historical Explorations*, ed. Martti Koskenniemi, Walter Rech, and Manuel Jiménez Fonseca (Oxford: Oxford University Press, 2017), 295. I offered a prototype of Chapter 5's argument in 'Neoliberalism and Human Rights: The Brandt Commission and the Struggle for a New World', *Law and Contemporary Problems* 81 (2018), 139. Chapter 1 focuses on debates about self-determination in the context of the 1970 Friendly Relations Declaration, an instrument whose general conceptual architecture and legal-historical background Samuel Moyn and I examined in 'The Historical Origins and Setting of the Friendly Relations Declaration', in *The UN Friendly Relations Declaration at 50: An Assessment of the Fundamental Principles of International Law*, ed. Jorge E. Viñuales (Cambridge: Cambridge University Press, 2020), 23. I thank Cambridge University Press, Duke University Press, and Oxford University Press for permission to draw upon these materials.



## NOTE ON TERMINOLOGY AND TRANSLATIONS

Readers familiar with the history of post-1945 decolonization are accustomed to a variety of terms used by lawyers, diplomats, and others in reference to different states, peoples, and regions. ‘North’ and ‘South’; ‘developed’ and ‘developing’; ‘industrialized’ and ‘industrializing’; ‘First World’, ‘Second World’, and ‘Third World’; ‘capitalist’, ‘socialist’, and ‘nonaligned’. No great imagination is needed to recognize that these and other categories are replete with evasions and contradictions. The techno-politics of ‘development’ is built on centuries of civilizing missions. There has always been a ‘South’ in the ‘North’, as there has always been a ‘North’ in the ‘South’. And just as many states marked as ‘non-aligned’ have aligned themselves rather decisively at specific moments, some ‘socialist’ states are perhaps better described as ‘state capitalist’ (leaving aside the fact that all states operate within an international state system undergirded by the capitalist mode of production). Nevertheless, I have chosen to retain most such terms. My reason for doing so is simple: since my central aim is to describe, explain, and analyze arguments about the international law of decolonization on their own terms, and since participants in the postwar project of developing an international law of and for decolonization relied extensively upon these terms, I have opted to remain faithful to the legal and diplomatic vernaculars favoured by decolonization’s champions, critics, and commentators.

Unless otherwise indicated, all translations are mine.

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XV

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xvi TABLE OF TREATIES AND OTHER INSTRUMENTS

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## TABLE OF RESOLUTIONS

xix

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## ABBREVIATIONS

AALCC	Asian–African Legal Consultative Committee
AAPSO	Afro–Asian Peoples’ Solidarity Organization
AFDI	<i>Annuaire français de droit international</i>
AJIL	<i>American Journal of International Law</i>
AJIL Sup.	<i>American Journal of International Law Supplement</i>
ASIL Pd.	<i>American Society of International Law Proceedings</i>
BFSP	British and Foreign State Papers
BISD	Basic Instruments and Selected Documents (GATT)
BYIL	<i>British Yearbook of International Law</i>
CDG77	<i>The Collected Documents of the Group of 77</i> , ed. Mourad Ahmia (Oxford: Oxford University Press, 2006–15)
CIEC	Conference on International Economic Cooperation
CJTL	<i>Columbia Journal of Transnational Law</i>
Comecon	Council for Mutual Economic Assistance
CTS	The Consolidated Treaty Series
ECOSOC	Economic and Social Council
EEC	European Economic Community
EJIL	<i>European Journal of International Law</i>
ESCOR	Economic and Social Council Official Records
FAO	Food and Agriculture Organization
Fed. Reg.	Federal Register (United States)
G77	Group of 77
GA	General Assembly
GAOR	General Assembly Official Records
GATT	General Agreement on Tariffs and Trade
HILJ	<i>Harvard International Law Journal</i>
IACHR	Inter-American Court of Human Rights
IADL	International Association of Democratic Lawyers
ICJ	International Court of Justice
ICJ Rep.	International Court of Justice Reports
ICLQ	<i>International and Comparative Law Quarterly</i>
IJIL	<i>Indian Journal of International Law</i>

## LIST OF ABBREVIATIONS

xxiii

ILA	International Law Association
ILC	International Law Commission
ILM	International Legal Materials
ILO	International Labour Organization
IMF	International Monetary Fund
ISBA	International Seabed Authority
<i>JHIL</i>	<i>Journal of the History of International Law</i>
<i>LJIL</i>	<i>Leiden Journal of International Law</i>
LNTS	League of Nations Treaty Series
NAM	Non-Aligned Movement
NATO	North Atlantic Treaty Organization
NIEO	New International Economic Order
<i>NILR</i>	<i>Netherlands International Law Review</i>
OAS	Organization of American States
OAU	Organization of African Unity
OECD	Organization for Economic Cooperation and Development
OPEC	Organization of the Petroleum Exporting Countries
PCIJ Rep.	Permanent Court of International Justice Reports
<i>RBDI</i>	<i>Revue belge de droit international</i>
<i>RCADI</i>	<i>Recueil des cours de l'Académie de droit international de La Haye</i>
<i>REDI</i>	<i>Revue égyptienne de droit international</i>
<i>RGDIP</i>	<i>Revue générale de droit international public</i>
RIAA	Reports of International Arbitral Awards
SC	Security Council
SCR	Supreme Court Reports (Canada)
<i>SYIL</i>	<i>Soviet Yearbook of International Law</i>
UN	United Nations
UNCLOS III	Third United Nations Conference on the Law of the Sea
UNCLOT	United Nations Conference on the Law of Treaties
UNCTAD	United Nations Conference on Trade and Development
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UNIDO	United Nations Industrial Development Organization
UNITAR	United Nations Institute for Training and Research
UNTS	United Nations Treaty Series
U.S.	United States Reports
U.S.C.	United States Code
<i>VJIL</i>	<i>Virginia Journal of International Law</i>
<i>Yearbook ILC</i>	<i>Yearbook of the International Law Commission</i>
<i>ZaöRV</i>	<i>Zeitschrift für ausländisches öffentliches Recht und Völkerrecht</i>