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Jack Basu-Mellish

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UN Resolution 1514: the creation of a new post-colonial sovereignty

Jack Basu-Mellish 🔴

International Relations Department, London School of Economics, London, UK

ABSTRACT

What role did the post-colonial world play in shaping the contemporary norm of sovereignty? Challenging the traditional understanding of the development of sovereignty as a norm that expanded from Europe, this article recentres the post-colonial contribution to the development of sovereignty. This article first presents the Western powers' understanding of the norms of sovereign recognition in the nineteenth and early twentieth centuries, before outlining the post-colonial states' efforts to develop new norms in favour of equal sovereignty for the post-colonial world. It does this first by analysing the contribution of the post-colonial world in the shaping of the Universal Declaration of Human Rights, and how these normative documents were taken up by the post-colonial world to argue for an end of colonial rule. It then provides a history of the normative ideas developed in the post-colonial world in the 1950s, expressed at the Bandung conference (1955) before being normalised into our contemporary understanding of international sovereignty through the passage of United Nations Resolution 1514: The Declaration on the Granting of Independence to Colonial Countries and Peoples in 1960. This work addresses the radical disjunctures and enduring continuations between ideas of sovereignty in the colonial and post-colonial eras of international relations.

Introduction

The process of decolonisation was the greatest change in global international order in the twentieth century, radically altering the norms and practices of the international system. The normative developments from 1945 to 1965 that this article focuses on comprised a period in which the post-colonial world was a significant driver of norm development. Despite this, the traditional historiography of the expansion of the international system in orthodox international relations theory has been the expansion of norms from the Western states to the rest of the world.[1] Meanwhile, in the critical space there exists an extensive debate on the depth of resistance to the norms and practices that dominated international order making (Richmond 2011). This article seeks to serve as a corrective to this traditional historiography and highlight the role of the post-colonial world in the development of our contemporary international relations norms through strategic engagement with and the

shaping of the normative language of post-war international society. To do this, the article focuses on one norm in particular – sovereignty.

This article highlights not only the challenges and resistance of post-colonial states and their leaders during the period to the existing norms of international order but also how they attempted to develop new norms based upon new moral claims, which had a unique mix of universalist and pluralist features, by co-opting the language of international society. These new universalisms were advanced through reference to documents such as the United Nations (UN) Charter and Universal Declaration of Human Rights (UDHR), and through state-led post-colonial internationalism of the period expressed at meetings such as the Bandung Conference (1955). This article seeks in particular to highlight the nuanced tensions between the post-colonial world's demands, which called for both a radical recognition of the equal rights and legitimacy of the post-colonial community and the conservative re-entrenchment of strong state sovereignty norms. By exploring more deeply the complex contribution of the post-colonial world to international norm creation post-1945, this work seeks to decentre Eurocentric accounts of both the formation of the norm of sovereignty and the history of post-war international diplomacy. Thus the question this research asks – What role did the post-colonial world play in shaping the contemporary norm of sovereignty? – also allows for an interrogation of the contestations, compromises and conflicts within the post-colonial world and their demands for a future international order.

This article seeks to draw out and answer these questions through the following structure. It will first analyse the understanding of sovereignty that existed among the Western powers in the preceding colonial international society, to provide the necessary context for the period. It will then examine the early efforts of the post-colonial world to shape international norms through its contributions to the drafting of the UDHR, particularly the post-colonial world's demand for the inclusion of a right to self-determination for colonial peoples. It will then analyse the shift in the post-colonial world's normative outlook towards what this article defines as a 'positive pluralist' normative position, particularly embodied at Bandung, in which a number of debates played out to bring the post-colonial world together around a shared definition of sovereignty and a programme for anti-colonialism. Finally, this article shows how UN Resolution 1514: The Declaration on the Granting of Independence to Colonial Countries and Peoples mirrors closely the language reached at Bandung, and represented the adoption of the post-colonial world's normative outlook on the legitimacy of colonialism. The article closely analyses the important ways in which this new understanding of sovereignty differed from prior conceptions and the ways in which there were normative continuities.

This article uses the English School as its theoretical underpinning for understanding the nature of international society's norms and practices. The English School, like much of orthodox international relations theory, has been critiqued for sharing similar Eurocentric roots to the ideas this work seeks to critique by recentring the contributions of the post-colonial world. These are critiques the author shares, and it is important to understand the intellectual history of the English School in order to be able to effectively use it and not uncritically reproduce ideas that miss key facets of international society. This article seeks to reflexively consider the traditions of the English School when using its ideas and frameworks. The English School has its roots in a certain type of British Internationalism that became prevalent during the Victorian era, which saw the European state system as a type of society. For these Victorian internationalists, the commonwealth of the British Empire was an ideal model for

international society as a family of shared norms. The influence of this thinking is clear in the early writing of Manning (1975), Bull (1977), Wight (1978) and others within the first generation of the English School. Since the expansion of the English School beyond its first generation of authors, it has become an increasingly global network of thinkers interested in engagement with area studies and the Global IR Project. This article seeks to continue in that tradition within the English School by providing an English School engagement with trends in historic global thought about the nature of sovereignty.

What, then, are the advantages of the English School as a theoretical approach that makes it a useful tool for considering the post-colonial contribution to the norm of sovereignty? Firstly, the English School's grounded approach to the study of elite diplomatic actors and the development of norms is an effective framework for building a deeper understanding of the contribution post-colonial leaders played in shaping international norms (Wilson 2012). Secondly, the English School's concept of international society made up of shared norms captures well the mood of the period, which, while fractious politically, was seriously committed towards developing new working norms for international order. Finally, the English School's understanding of international norms as constructed by the practitioners of international politics rather than as fixed structural elements (Navari 2020) allows space for recapturing the agency of post-colonial elites in shaping the international political environment they operated in rather than conceiving of them as constrained and dictated to by the structure of international society. The English School approach is thus particularly well placed to consider the questions of international norm creation in this period, and this work seeks to also contribute to English School thinking by pushing back against the Eurocentric currents of its earlier work and by engaging the school with the contributions of historic post-colonial leaders to the construction of the contemporary international society.

Describing colonial international society – who was recognised?

Prior to 1945, much of the world's population lived either as citizens in a colonial empire or as colonised subject peoples (Maddison 2006). As such, the norms of the colonial international order and the normative premises of colonialism defined the application of the other norms of international society, determining who had access to the rights of sovereignty, international law and diplomatic practices. The defining feature of this colonial international society was access to the protections of its norms based upon a racialised 'standard of civilisation' logic (Gong 1984).

Hedley Bull provides a description of the way in which international society of the late 1800s was stratified into three tiers of civilisation (Bull 1977, 36):

> In the 1880s the Scottish natural lawyer James Lorimer expressed the orthodox doctrine of the time when he wrote that mankind was divided into civilised humanity, barbarous humanity and savage humanity. Civilised humanity comprised the nations of Europe and the Americas, which were entitled to full recognition as members of international society. Barbarous humanity comprised the independent states of Asia – Turkey, Persia, Siam, China and Japan – which were entitled to partial recognition. And savage humanity was the rest of mankind, which stood beyond the pale of the society of states, although it was entitled to natural or human recognition.[2]

Bull's description of the international society of the period shows that the application of supposedly universal foundational institutions of international society were in fact regulated by a racialised, colonial logic.

The division into civilised, barbarian and savage peoples was dominated by a racialised conception of the 'civilised' state, the apex of which was the idealised European nation considered capable of self-rule and thus receiving access to the norms of international society (Gong 1984). Barbarian states were those states that had successfully resisted European colonialism or were seen as useful buffer states between the European powers (such as Japan, Persia and the Ottoman Empire). These states occupied a particular place in the European colonial imaginary as orientalised polities, apart from the universal rationality that made European Nation states members of international society but with a historic civilisational value and contemporary strength that meant they could be treated with in a limited sense (Said 1978). Finally the 'savage' populations of the colonial international order were those peoples who were excluded from all protections of the norms of international society, and made up significant proportions of Asia and Africa (Buchan and Heath 2006).

By dividing human populations into these three tiers, and then assigning to these groups different degrees of rights and recognition accordingly, the majority of the world was excluded from the rights and norms afforded to the Western states, including sovereignty and the fair application of international law. Without recognition as a valued subject of international society, the 'savage' and 'barbarian populations of the nineteenth century Western imagination occupied the position of international outlaws (Fidler 2001), afforded none of the protections and rights gained through membership of international society when dealing with the Western powers. The idea of 'savage' peoples failing to meet the standard of civilisation necessary for self-governance was essential to the normative justification of the colonial project by the European and American powers, as their supposed lack of access to universal rationality justified the necessity of colonial rule over these peoples often in the missionary language of a humanitarian intervention to 'uplift' these peoples (Klose 2013).

It would be this racialised standard of civilisation as the foundational determinant of who had access to sovereign rights that the post-colonial states would seek to overcome in the formation of a new international society that emerged following the end of the Second World War. Much of this work was done at the newly formed United Nations, which became a formalised venue for the expression of 'world opinion' and thus the de facto venue for international norm setting. The rest of this article will analyse how the long-standing norm of the standard of civilisation was replaced by the post-colonial world's demand for equal sovereign recognition and decolonisation. This would culminate in UN Resolution 1514: The Declaration on the Granting of Independence to Colonial Countries and Peoples.

Post-colonial contributions to the Universal Declaration of Human Rights

Following the end of the Second World War, there was an opportunity for a radical reassessment of the normative structure of international society. There was a desire among the major powers to ensure that the brutalities of the Second World War and the Holocaust would not take place again, which provided an opening for the establishment of new normative frameworks for international society based around the concept of human rights, which had a lengthy history of thought prior to 1945.

The first attempt to establish a new normative direction for international order was the United Nations Charter. The first push to ensure the UN Charter provided a suitable normative

character to this new order was the debate over the inclusion of the preamble to the Charter itself, which outlined the goals of this new institution: that it would "save succeeding generations from the scourge of war" (United Nations 1945). The figure who pushed most concertedly for the inclusion of this normative statement was Jan Smuts, Prime Minister of South Africa (Heyns and Gravett 2017). The interest in normative content from such a state leader may be surprising to some, but was in many ways representative of the United Nations in 1945, which remained in large part a club of Western powers, the Latin American states and the Soviet Bloc, with little representation from Africa or Asia. The still colonised world would have no formal representation with voting powers at the San Francisco conference to finalise the United Nations Charter.

With the negotiation of the UN Charter dominated by the Western and Soviet states, the Universal Declaration of Human Rights (UDHR) would serve as one of the first opportunities for the post-colonial world to express its normative desires for a new international order as equal members of international society (Ramcharan and Ramcharan 2019). Negotiated and signed throughout 1948, the drafting of the UDHR allowed for the full participation of the newly independent states of South Asia, particularly India. There were three broad goals of the states participating in the formulation of the UDHR; the first was the enshrinement of liberal individual rights (such as freedom of assembly, religion, speech and protections against arbitrary detention and state violence) which was the primary goal of the Western states following the defeat of fascism. The second, advocated for largely by the Soviets, was the inclusion of certain social rights (such as a right to food and shelter). Finally, the third goal came from the post-colonial world: the inclusion of a right to self-determination for the still colonised peoples of the globe. India would be able to play a unique role in the formation of the UDHR, and would be essential to its drafting process (Ramcharan and Ramcharan 2019; Lukina 2017). India was looked to as both a state of significant moral prestige for its non-violent resistance movement and as a powerful post-colonial state that was seen by many as a stand-in for the wider post-colonial world. It also formed an overlapping point of political opinion for each of the three camps, as a state in favour of liberal, social and post-colonial rights during the drafting process.

India's leaders felt an obligation to the significant number of colonised peoples that remained throughout the world during the drafting process. The Indian Independence movement had been part of a well-developed internationalist anti-colonial movement, with key members such as Jawaharlal Nehru participating in internationalist groups such as the League Against Imperialism during the interwar years (Louro 2018). Nehru argued that his nationalism was different from chauvinistic forms of European nationalism, and was imbued by an internationalist character that relied on the equality of all peoples, expressed through self-determination and sovereign equality for the colonised world (Bhagavan 2010). India was able to take a leading position among the Afro-Asian block; the only Afro-Asian state of a similar level of power was China, represented in the UN at the time by Chang-Kai Shek's nationalists, who were in a losing position in the civil war by 1948, leaving India as the key Afro-Asian power during the drafting process.

The two key figures in setting India's position during the UDHR drafting process were Jawaharlal Nehru and Vijaya Lakshmi Pandit, who headed the Indian delegation during the drafting process. Pandit and Nehru differed somewhat on their political outlook, with Pandit's view more heavily influenced by Gandhian radicalism than Nehru who preferred an approach more accepting of existing international norms. Nehru insisted that India accept fully the

wording of the UN Charter, despite its failure to include the explicit anti-colonialist language that had been hoped for (Bhagavan 2010). Nehru saw significant advantages to accepting the wording of the UN Charter as it allowed for the entrance of India as a sovereign equal for the first time in modern history; an important step both for securing the benefits of decolonisation already won and to provide an opening to further the demands of the colonised world from within international society. Pandit had taken part as a non-government observer in the conference to determine the future of Asia that had been held prior to the San Francisco conference, against the wishes of the British government. During these events she made a number of speeches in favour of the self-determination of colonised peoples that were generally well received in the United States, further boosting her personal prestige prior to her participation in the drafting of the UDHR.

"Pandit makes clear that the colonized throughout the world acquiesced to the power of the UN simply by reading the terms of the Charter differently", argues Bhagavan (2010, 322). This use of constructive ambiguity and the co-opting of the normative documents of international society would become a key practice of the post-colonial international community, which would continue to mobilise the normative language of the new UN institutions to argue for a right to self-determination for the colonised world (Burke 2011). India shared the goals of all three of the major camps in the drafting process of the UDHR, which gave it significant influence as a powerful and normatively valued political force for all camps. India was a fellow democracy with an interest in enshrining liberal human rights protections into international law, with Pandit and the Indian delegation contributing to the formalisation of these norms. This would represent a high point for radical liberal idealism being promoted by the post-colonial world on the international stage, in part because the post-colonial coalition was represented by a very limited number of states in 1948, the senior of which was itself a democracy with liberal personal rights protections (Burke 2011).

This period is also the point at which India (and the post-colonial coalition as a whole) was at its most willing to adopt a prescriptive approach to the nature of a 'good state' by outlining these norms for a state's domestic structure. As the post-colonial coalition grew in size throughout the late 1940s and 1950s, and as revolutions and counter-revolutions took place, the ideological diversity of the coalition increased and the post-colonial world would shift from a prescriptive universalism to a radically pluralistic approach to domestic norms that valued independence and non-interference through strong state sovereignty over particular expectations on the structure of the state.

The UDHR would remain a key normative document of reference for the post-colonial world, and it is very much both a liberal document and also a document that has the stamp of the post-colonial world upon it. The liberalism of the UDHR should thus not be considered an exclusively 'Western' concept. During the drafting process the post-colonial states would argue in favour of the right to self-determination as a fundamental human right of colonised peoples that was necessary for human dignity. While the Western states were willing to agree with the need for universal principles to protect human dignity domestically, there was significant resistance to the inclusion of a right to self-determination for colonised peoples. Opposition to the measure by the British delegation was argued on the grounds that it was not possible to adopt a universal principle for post-colonial independence when states were at such varied levels of development and preparedness for self-rule (Burke 2011). This intervention is notable, showing the use of a universalist argument from the post-colonial world against a particularist

argument from the Western delegation. Secondly, it shows the continuing strength of the standard of civilisation logic that had existed prior to the Second World War in this period, with the British delegation redeploying the argument that the peoples of the colonised world did not meet a standard of civilizational development that made them capable of self-rule in order to justify the continuation of British colonialism. The redeployment of this traditional framework for understanding sovereignty and self-determination shows the significant and radical departure from existing norms that the post-colonial world was demanding by arguing for sovereign equality and independence for the colonised world.

India and the post-colonial coalition at the United Nations were unable to win the inclusion of a right to colonial self-determination in the UDHR. One of their allies in the effort to secure the inclusion was the Socialist bloc, including the Soviet Union, who believed they had solved the so-called 'national problem' through the coequal SSRs that represented the different nations of the USSR. The Socialist and post-colonial bloc was insufficiently influential to win the necessary concessions from the European colonial states that would not sign onto a programme that included a right to self-determination for their colonial territories. The Socialist bloc would choose to abstain on the final wording of the UDHR, concerned about enshrining certain rights of association and speech, as well as arguing that the failure to include the right to self-determination was unacceptable. The only other states to abstain were South Africa (in opposition to its anti-racial discrimination clauses) and Saudi Arabia (in opposition to the freedom of religious practice clause) (Lukina 2017).

Despite the failure to achieve all of the wanted inclusions for the post-colonial world, India and the other post-colonial states would adopt the Nehruvian policy of signing the UDHR both due to genuine support for the measures it included and also to win the continued prestige of membership of international society's normative community at a moment in which norms were still in deep flux. The UDHR would serve as the first opportunity for the newly independent post-colonial world to attempt to shape the normative character of the UN (fast becoming the de facto venue for the expression of international opinion) as state rather than non-state representatives. The recognition of these states significantly improved the international prestige of the post-colonial coalition. India in particular emerged from the drafting process with further bolstered prestige, both for its support of strong individual human rights protections and as a voice for the still-colonised world advancing their national aspirations.

Pandit's ambiguous approach to reading the charter 'differently' would return with the UDHR, which would be taken up as a mantle by the post-colonial world in future international efforts, such as at the Bandung conference where states would argue that the 'true vision' of the UDHR could not be fulfilled until decolonisation was complete. Decolonisation would continue to be argued for in universalist moral terms, particularly in reference to the UDHR, and the role the post-colonial states had in drafting it, as well as the way in which it would be enthusiastically adopted by the post-colonial world and rhetorically built upon by the post-colonial coalition, makes the UDHR as much a post-colonial document as it is a Western liberal one. This was a moment in which the goals of the post-colonial world were embodied by a radical liberal idealism, and we will see a shift towards a more radical pluralist outlook on the nature of the state as the 1940s and 1950s progressed, but support for the UDHR would remain.

The shift to a pluralist agenda for national sovereignty in the post-colonial world

For both the leaders of the still-colonised world and the new post-colonial states, the central normative demand during the period of change in international norms following the end of the Second World War remained the recognition of a right to self-determination from colonial domination, and equal respect for their national sovereignty. This was expressed in terms of a formal end to colonial rule, but also as a broad-ranging intellectual, cultural, economic and governmental movement for 'genuine' independence, both from the old imperial powers of Europe and from the growing concern of neo-colonial domination. The ongoing concern about the continued existence of colonialism in the 1950s and the increasing encroachment of neo-colonialist practices in Asia and Africa prompted further collaboration between the post-colonial powers and independence movements to achieve greater degrees of freedom for the post-colonial world (Miskovic, Fischer-Tiné, and Boskovska 2014). These relationships would become increasingly formalised: in the international political sphere through institutions such as the Non-Aligned Movement, in the economic sphere with projects such as the New International Economic Order, and culturally/intellectually through the growing interest in Pan-African, Pan-Asian, Pan-Arab and other cultural-political identities that existed beyond the national borders that had been defined by the colonial powers (and often sought to reconstitute them). This included an intellectual project to rediscover the linkages between the colonised peoples of Asia, Africa and the Middle East.

As the late 1940s and 1950s unfolded, the newly independent states in the post-colonial coalition would expand and become increasingly ideologically diverse. To enable the collaboration of an increasingly diverse post-colonial coalition that would include parliamentary democracies, revolutionary one-party states, progressive officers' movements, monarchies and anti-communist juntas, the post-colonial coalition would need to develop a political consensus that could advance the goals of these states for increasing international political independence while managing the political differences within the coalition. This would result in a shift away from the prescriptive approach to defining the nature of a 'good state' from within the post-colonial coalition and towards a political consensus formed around strongly enforced state sovereignty rights and domestic political independence. This allowed for the advancement of the desire for national independence while also negotiating the disagreements within the post-colonial coalition as to how a state should necessarily be structured. This article argues that the particular goals and constraints of the post-colonial coalition produced a unique normative outlook that was in part highly radical, seeking to overturn the racialised international order that had dominated throughout the long nineteenth and early twentieth centuries, while simultaneously being partly conservative, interested in reinforcing existing norms of strong national state sovereignty that had predominated in the prior era for Western powers. This position also accepted, in large part, traditional notions of state prestige, thus reinforcing aspects of the existing international order at a time in which it was at its greatest contention for over a century.

The negotiation of the different conceptions of the good state by the different political leaders of the post-colonial coalition during this period was not merely a compromise to avoid the difficult questions on the nature of their differing domestic politics. This article argues that the political, ontological and epistemic differences between the leaders of the

post-colonial states produced a normative position of 'positive pluralism' that recognised the differences within the post-colonial world as a good in and of itself, rather than a problem to be negotiated through. The positive pluralist position recognised that the differences between states could in fact be generative of new synthesised ideas, but when that was not possible, a mutual respect for domestic differences became the preferred norm, which was in turn expressed through a support for strong state sovereignty and domestic non-inter-ference. This article argues that this positive pluralist normative position remains strong within international society as a whole, but is particularly prevalent in the Global South, and as such it is valuable to analyse the political developments of the 1950s and early 1960s, which would shift the post-colonial world, and then international society more generally, towards this positive pluralist outlook. These notions would become formalised into UN structures through the passing of UN Resolution 1514: The Declaration on the Granting of Independence to Colonial Countries and Peoples, and the remainder of this article charts the development of the normative arguments within the post-colonial coalition that would create this unique outlook and bring the rest of international society more closely in line with this position.

The development of pluralistic post-colonial solidarity

The interwar period was an era of increasing internationalism for the future leaders of the post-colonial states. The League Against Imperialism (formed in 1927) helped formalise inter-national links between those struggling for independence. International links between the post-colonial states were thus being formed prior to the establishment of any post-colonial state's independence (Framke 2014). The first international conference in the emerging post-co-lonial environment was held in Delhi in 1947 (Stolte 2014), prior to India's formal independence. This conference would include representatives from across Asia, including the 'Asian' SSRs of the Soviet Union, the Republic of China, and other Asian powers such as Ceylon. From this first post-colonial conference, the idea that the members of the Asian world had much to learn from one another's differing political systems was promoted, as well as a collective spirit of a shared pan-Asian culture and history that had both been suppressed by colonialism and emerged from the shared experience of it. These ideas would be built upon by further international conferences in Colombo (1948, 1954), Bogor (1949), New Delhi (1949) and Beijing (1952), among others.

The ideological culmination of these prior conferences was the Bandung conference of 1955, which built upon the tradition of normative pluralism in an effort to unite the newly emergent Afro-Asian powers around an international programme of change for the inter-national system, as well as continuing to develop post-colonial intellectual ties between the newly independent states (Eslava, Fakhri, and Nesiah 2017). A series of political committees made up of state representatives attempted to bring together the states around consensus positions on pressing political issues for the post-colonial world. To focus on the question of sovereignty, this work will analyse the debates that emerged at Bandung regarding what constituted colonialism, the degree to which it was illegitimate and why, and how sover-eignty claims should instead be legitimated.

These debates would form the foundation for the post-colonial demands for reform of the practice of sovereignty in international society. In the final Bandung communique which outlined the position of the participant nations, the spirit of Pandit and her recommendation of reading differently could clearly be seen. The Bandung communique was framed explicitly

in terms of the UN Charter and the UDHR. The Bandung Communique would adopt both documents as its own by arguing that:

> the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation. (Bandung 1955, 5)

In this way, despite the failure to achieve explicit rights to self-determination in either document, the post-colonial world used the normative language of both human rights and the charter to argue that colonialism constituted a violation of the international normative political order.

The shift towards an increasingly pluralist approach to post-colonial cooperation did not necessitate a rejection of earlier prescriptive normative documents, such as the UDHR; rather, these documents were integrated into the post-colonial perspective on international norms. This shows the willingness to adopt the language of the international system by the post-colonial world while continuing to insist on its particular normative meaning. This was a highly effective strategy of normative engagement and co-opting of these documents towards the end of post-colonial independence, which would lead to a collapse in normative support for the continued existence of colonial rule by the new global superpowers. This was achieved through successful political pressure by the post-colonial states, but also through their adoption of the language of dignity and human rights (of which the Western states were signatories) to oppose the normative basis for colonialism and produce new norms in favour of self-determination and strong state sovereignty. The ability to use the language of international society in order to advance the normative objectives of the post-colonial world shows the agency that the post-colonial states had in negotiating the normative terrain of international society, which is often overlooked when the engagement is viewed through the lens of only acquiescence or resistance. In actuality, the acquiescence to the norms of international society by the newly emergent post-colonial states was done both for moral reasons and in order to build the normative case for furthering the demands of these states.

What is colonialism? The determination of Bandung's final communique

At Bandung the post-colonial coalition debated the nature of colonialism; despite the ideological diversity of the states involved there was a consensus around the illegitimacy of colonialism as a practice, even among those states with close ties to the Western powers. The divide among the post-colonial coalition came over the question of the recent expansion of the USSR into Eastern Europe. Anti-Communist post-colonial leaders at Bandung argued that the Soviet Union's actions in Eastern Europe constituted the same illegitimate practice of colonialism. Included among this bloc arguing for a condemnation of the Soviet Union was the Hashemite Monarchy of Iraq, which sought to limit Nasser's growing influence in the Arab world through the formation of the Western-aligned Baghdad Pact (Rey 2014), as well as Sir John Kotelawala, Prime Minister of Ceylon and a close ally of the United Kingdom. Kotelawala declared at Bandung:

> those satellite states under Communist domination in Central and Eastern Europe … Are these not colonies, as much as any of the colonial territories in Africa and Asia? … Should it not be our duty openly to declare our opposition to Soviet colonialism as much as Western imperialism? (Kodikara and Misra 2004, 39)

Opposition to this position was widespread, both from those states that shared ideological ties with the Soviet Union and from non-communist states that maintained friendly relations with the Soviet Union (Rey 2014). The Soviet Union had historical ties with a number of post-colonial states that stretched back to their support of anti-colonial efforts in the interwar era (Petersson 2013). The Soviet Union was also recognised by many as an essential balancing power against the United States. The consensus position reached at Bandung was in favour of separating the Soviet Union's activities in Eastern Europe from traditional colonialism. The decision was a combination of pragmatic necessity and genuine recognition of a unique character of European colonial rule which separated it from the question of Eastern Europe. Pragmatically, most post-colonial states desired to continue positive relations with the Soviet Union, and anti-communist states desired not to lose influence within the anti-colonial coalition that was being built at Bandung. Here positive pluralism was expressed, with the coalition preferring to allow states to decide their own relationship with the Soviet Union, without dictating a particular approach, recognising that the coalition could still effectively work together on anti-colonial issues for which there was agreement and provide space for states within the coalition to pursue their own policies when consensus could not be reached.

Beyond pragmatism, there was the genuinely held belief in the difference between European colonialism and the Soviet Union, and this would go on to shape the expression of the new sovereign norms that the post-colonial world attempted to build within international society. Bandung recognised the particular, racialised nature of colonialism that remained from the international model of the nineteenth century, which had judged (and continued to argue) that certain territories were unfit for self-rule on a racialised standard of civilisation grounds. It was this racialised legitimation of the rights to sovereignty that was the major norm to be overcome for the post-colonial world. This separated the question of colonialism from the question of Soviet involvement in Eastern Europe, in which states maintained their own domestic communist parties that were not excluded from participation in the socialist world on racial grounds in the same way that the post-colonial states had been. This framed the opposition to racial discrimination as central to the post-colonial world's opposition to, and definition of, colonialism. It also made 'self-determination' the only legitimate model of international sovereignty, and, importantly for the pluralist post-colonial coalition, self-determination need not necessarily be expressed in the form of a parliamentary democracy but could rather be expressed through the ruling cadre of the state having some form of organic link to 'the people', be they elected or not.

The Bandung communique would enshrine this position in the following statement:

> The conference is agreed:

> in declaring that colonialism in all its manifestations is an evil which should speedily be brought to an end;

> in affirming that the subjection of peoples to **alien** [my emphasis] subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation. (Bandung 1955, 5)

Here, it is the concept of freedom from 'alien' subjugation that defines the new normative anti-colonial standard for sovereignty. This avoided the question of the Socialist Bloc (which were led by their own domestic communist parties and thus not subject to *alien* rule). It also

centred the form of state legitimation around the concept of self-determination. This was a radical departure from the existing forms of state legitimation, in which, while self-determination played a part, it was the standard of civilisation and recognition by the Western powers that defined membership of international society. The demands of the post-colonial world were a mixture of the normatively radical (as it challenged the mechanism of legitimation in international society) and normatively conservative (not demanding a radical reformation of the rights of sovereignty).

UN Resolution 1514: international society for all?

UN Resolution 1514 is a key political moment in the process of decolonisation, and expressed a new normative consensus on the nature of sovereignty. Passed by the 947th plenary meeting of the UN General Assembly in December 1960, UN Resolution 1514: The Declaration on the Granting of Independence to Colonial Countries and Peoples – received the support of 89 states, mostly from the post-colonial world and the Soviet bloc. It was brought to the UN by a group of post-colonial states, whose international UN cooperation had been strengthened following the Bandung conference. Resolution 1514 was a ratification at the global level of the normative demands expressed at Bandung. Importantly for the establishment of a new norm against the legitimacy of colonial sovereignty, no states were willing to vote against the motion, signalling that even the colonial powers could no longer justify the continuation of colonialism as a legitimate form of international sovereignty. In the end, only nine states would abstain on the resolution: the United Kingdom, France, the United States, the Union of South Africa, Portugal, Spain, Australia, Belgium and the Dominican Republic (Danspeckgruber 2002). The United Kingdom and France placed considerable pressure on the United States to abstain on the motion, and the abstaining states were either states with remaining colonial possessions or their close geostrategic allies (Kattan 2016). Latin American and European allies without colonial territories fell decisively in line with the post-colonial position. This effectively signalled the end of any attempt to justify colonial rule as a legitimate form of sovereign rule, overturning a century-long norm in international society.

While recognising that UN General Assembly Resolutions are not legally binding in the way previously discussed documents such as the UN Charter and UDHR are, in terms of the normative character of international society, UN General Assembly Resolutions can be powerful tools for expressing the normative consensus of international society, which need not necessarily be legally binding. Thus when discussing the development of norms, UN General Assembly Resolutions deserve close scrutiny and interpretation. The question may be asked what practical effect this normative change had on international politics of the period, given that the Cold War was a period in which state sovereignty was often undermined. While this is true, the period did see the terminal decline of the legitimacy of formal colonial practices. Violations of post-colonial independence were not conducted through the establishment of formal colonial rule by the imperial powers as they had done in the previous centuries. Instead, aligned proxy states with local leadership cadres were established. These states were often accepted by the post-colonial world as legitimate. Sovereignty has always been a norm that has been imperfectly respected by the great powers, and this new decolonial sovereignty was no different. But this is not to say that the norm of sovereignty did/does not exist or provide certain constraints on the actors in the international system.

A comparative textual analysis of both UN Resolution 1514 and the Bandung Communique shows a continuity of language, goals and ambitions. This shows the significant role the post-colonial world played in shaping the new normative vision of sovereignty in the 1950s and 1960s. UN Resolution 1514 mirrors exactly the wording of the Bandung Declaration on the nature of colonialism and its illegitimacy as a continued form of sovereign rule:

> 1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation. (United Nations 1960)

The specific use of the wording *alien* again highlighted the opposition to a racialised standard of civilisation model of international sovereignty, and allowed for the full support of the Soviet Union. It also allowed for the support of post-colonial states with their own separatist issues (Dirar 2017). The resolution thus made explicit the post-colonial world's normative concern over racialised European colonialism in Africa and Asia, while sidestepping ongoing political issues in their own territories.

The radical elements of the post-colonial states' demands were not restricted to their inclusion in equal sovereignty but extended to who has sovereignty; the resolution read:

> 7. All states shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all states, and respect for the sovereign rights of all peoples and their territorial integrity. (United Nations 1960)

A notable departure from the previous conception of who has access to sovereignty was the phrasing 'respect for the sovereign rights of all peoples'. Prior to this, sovereignty was understood as a legal right of states, not peoples. Under this new conception of sovereignty, those peoples still colonised by the imperial powers already held sovereignty as a 'people' that was being violated by the continuation of colonial rule, which was a radical departure from a legal regime which recognised states, not 'peoples', as a political entity. There was of course an ambiguity about what constituted a 'people', but it was clear to the international community that the European colonisers constituted a different people from those they ruled over in Asia and Africa, and as such, this ambiguity maximised the political objectives of the post-colonial states.

UN Resolution 1514 both makes explicit that all peoples have access to these sovereign rights and also reiterates a maximalist interpretation of what sovereignty meant:

> 2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic social and cultural development (United Nations 1960).

> This maximalist interpretation of sovereignty was an attempt to foreclose on attempts at neo-colonial practices that left states nominally independent but lacking the agency to escape the influence of the great powers. This is a maximalist interpretation of the traditional right to non-interference implied by sovereignty. This would later be reinforced in 1965 with the passing of 'UN Resolution 2131 – The Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty', which states in its first declaration: "No State has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State" (United Nations 1965). This position is again a reiteration of the centrality of the state in international politics, and a defence of the old order of national sovereignty rights, mixing the radically transformative and the conservative in its demands for the international system.

Finally, the Bandung Declaration and UN Resolution 1514 are an inversion of the traditional logic of individual rights. Returning to the prior quote in which UN Resolution 1514 declares:

2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. (United Nations 1960)

Similarly, the Bandung declaration states

'the rights of peoples and nations to self-determination, which is a **pre-requisite** [my emphasis] of the full enjoyment of all fundamental Human Rights'. (Bandung 1955, 4)

In this understanding, the principal right is the right to self-determination, which is a right that is held collectively, rather than by the individual. Then, from this freedom to form a state and to avoid interference from outside powers, the other associated goods that make up human rights can be developed within that people's own socio-political context. This is a shift away from the prescriptive understanding of individualised human rights in the UDHR towards a more pluralist context, as well as a collectivisation of those rights from the individual to the 'peoples' group. This, in combination with later resolutions such as Resolution 2131, is a clear statement that the primary protector of rights is the domestic political structures of the state, not the international community.

UN Resolution 1514 was a turning point in the international approach to the permissibility of colonial territories. It represented the culmination of a decade of normative change driven by the post-colonial world that shifted the legitimate holders of sovereignty from those who met a racialised conception of the standard of civilisation to the representatives of distinct 'peoples' groups. This is the normative understanding held today by the international community. Overturning the prior norm was a radical departure from over a century of international relations practice dominated by the European states. However, it was also reinforcing of certain elements of the international system, demanding changes to who was accepted as holders of sovereignty, but not what that sovereignty meant for the newly admitted states.

Conclusion: a new post-colonial sovereignty

What is to be taken away from our new understanding of the development of sovereignty in the 1950s and 1960s? First is a reorientation of the historical narrative about the expansion of state sovereignty, in contrast to the traditional narrative, which presents the norm of state sovereignty originating in Europe in the seventeenth century and slowly expanding out to encompass the globe. Instead, while the norm of sovereignty prior to decolonisation was a particularised understanding for inter-European relations, it is the post-colonial world that insists on a universal model of sovereignty in the 1950s and 1960s.

Following the end of the Second World War, the states of Africa and Asia had a shared vision of the international that they sought to create in order to secure the independence and equality of their states. To achieve this, ideologically disparate post-colonial states worked together to craft a framework for cooperation. This normative framework was a 'positive pluralist' position for international cooperation. This framework saw differences between the states not necessarily as a weakness that needed to be compromised through or overcome, but as a positive aspect of the international system. The diversity of domestic

political structures and ideologies within the post-colonial world was valued by the participants, and the post-colonial states argued for strong domestic non-interference norms as a result. Getachew (2019) highlights the deep links to the international held by post-colonial national independence movements – these groups, while fighting for national determination, were also trading and sharing knowledge with an international sphere of anti-imperialist activists. Eslava, Fakhri, and Nesiah (2017) described the Bandung communique as a "trans-civilisational document" that draws upon varying ontological frameworks of the different participants regarding the nature of the international system.

At the same time as adopting this positive pluralist position, the post-colonial states did not eschew engagement with ideals of universalism. The post-colonial world played an essential role in the formulation of the UDHR. These documents were not Western liberal documents, but had significant input from key post-colonial states, in particular India. The Bandung Charter would make claim to these universalist values and deploy them in the normative case against colonialism, arguing that the ongoing colonial rule of parts of Asia and Africa represented an abrogation of human rights. The Bandung Communique itself summons a new universalist foundation for Afro-Asian cooperation from an imagined past rooted in Afro-Asian religious and cultural exchange that laid claim to universalist moral values that were also strengthened by the exchange of cultural particularisms. The Bandung Declaration would declare: 'Asia and Africa have been the cradle of great religions and civilisations which have enriched other cultures and civilisations while themselves being enriched in the process. Thus the cultures of Asia and Africa are based on spiritual and universal foundations' (Bandung 1955, 3).

Positive pluralism is an important facet of the normative understanding of contemporary international society; while power differentials no doubt exist between states, there is no longer a standard of civilisation logic that dictates membership of the international community based upon a racialised conception of what a 'good state' looks like. Instead, legitimacy rooted in representation of peoples forms the key basis for statehood on the normative level. From this a diversity of domestic political structures for states have proliferated and states are free to represent differing domestic political arrangements. The passing of UN Resolution 1514 was the abolition of colonialism as a legitimate form of international state structure. This overturned over a century of international political norms and created a new norm around how sovereignty was to be legitimated. It also reconceived the recipient of sovereign rights as 'peoples' groups rather than the state. These were major shifts in the way in which sovereignty was understood in international society and helped establish the ongoing normative consensus around sovereignty that currently exists. UN Resolution 1514 also expanded the referent object of the right of sovereignty from the state to 'peoples' by shifting the way in which sovereignty was legitimised, from the mutual recognition of other states in international society to being a representative of a 'people'.

UN Resolution 1514 represented a significant development in international society's understanding of sovereignty. This work has sought to decentre the Eurocentric approach to understanding the norm of sovereignty as a consistent practice of European international society, and instead has shown the key role the post-colonial world had in establishing our contemporary sovereignty norms and the radical disjunctures it produced from the old international order, as well as the lasting continuities.

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Disclosure statement

Notes on contributor

Jack Basu-Mellish is a PhD candidate at the London School of Economics, United Kingdom, in the International Relations Department. He is currently researching the role colonisation and decolonisation played in establishing the international system's normative framework, using an English School approach. He is Editor of *Millennium Journal of International Studies*, Vol. 51. He can be contacted at j.r.basu-mellish@lse.ac.uk

Notes

1. To restrict the focus to the English School which this work draws heavily on for its theoretical underpinnings, examples can be found in Wight (1977), Bull (1977), Mayall (1990) and Holsti (2004), although similar understandings can be found in other schools of mainstream international relations theory.
2. Wight (1977) deploys the same quote from Lorimer when discussing his understanding of the international order of the 1800s.

ORCID

Jack Basu-Mellish 🆔 http://orcid.org/0000-0002-6669-9569

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