

# Economic Self Determination

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At its sixth special session, the General Assembly adopted the "Declaration on the Establishment of a New International Economic Order" (resolution 3201 (S-VI) of 1 May 1974), which contains affirmations and principles of great importance for the present study. For instance, the Declaration states that the greatest and most significant achievement during the last decades has been the independence from colonial and alien domination of a large number of peoples and nations, but that the remaining vestiges of alien and colonial domination, foreign occupation, racial discrimination, apartheid and neo-colonialism in all its forms continue to be among the greatest obstacles to the full emancipation and progress of the developing countries and all the people involved.

## INTRODUCTION

Self-determination is recognized as a right of all peoples in the *United Nations Charter*, *Universal Declaration of Human Rights*, *International Covenant on Civil and Political Rights* and *International Covenant on Economic, Social and Cultural Rights*, known collectively as the *International Bill of Human Rights*.

The right of nations to **self-determination** (from German: *Selbstbestimmungsrecht der Völker*), or in short form, the right to self-determination is the cardinal principle in modern international law (jus cogens), binding, as such, on the United Nations as authoritative interpretation of the Charter's norms. It states that nations based on respect for the principle of equal rights and fair equality of opportunity have **the right to freely choose their sovereignty and international political status with no external compulsion or interference** which can be traced back to the Atlantic Charter, signed on 14 August 1941, by Franklin D. Roosevelt, President of the United States of America, and Winston Churchill, Prime Minister of the United Kingdom who pledged The Eight Principal points of the Charter. The principle does not state how the decision is to be made, or what the outcome should be, whether it be independence, federation, protection, some form of autonomy or even full assimilation. Neither does it state what the delimitation between nations should be — or even what constitutes a nation. In fact, there are conflicting definitions and legal criteria for determining which groups may legitimately claim the right to self-determination.

On 14 December 1960, the United Nations General Assembly adopted United Nations General Assembly Resolution 1514 (XV) under titled Declaration on the Granting of Independence to Colonial Countries and Peoples provided for the granting of independence to colonial countries and peoples in providing an inevitable legal linkage between self-determination and its goal of decolonisation, and a postulated new international law-based right of freedom also in economic self-determination. In Article 5 states: Immediate steps shall be taken in Trust and Non-Self-Governing Territories, or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom, moreover on 15 December 1960 the United Nations General Assembly adopted United Nations General Assembly Resolution 1541 (XV) under titled Principles which should guide members in determining whether or

nor an obligation exists to transmit the information called for under Article 73e of the United Nations Charter in Article 3 provided that inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence. To monitor the implementation of Resolution 1514 in 1961 the General Assembly created the Special Committee referred to popularly as the Special Committee on Decolonization<sup>[8]</sup> to ensure decolonization complete compliance with the principle of self-determination in General Assembly Resolution 1541 (XV), 12. Principle of the Annex defining free association with an independent State, integration into an independent State, or independence as the three legitimate options of full self-government compliance with the principle of self-determination.

**"National aspirations must be respected; people may now be dominated and governed only by their own consent. *Self determination* is not a mere phrase; it is an imperative principle of action. . . . "**

By extension the term self-determination has come to mean the free choice of one's own acts without external compulsion.

The United Nations Charter, ratified in 1945, placed the right of self-determination into the framework of international law and diplomacy. The charter states that one of the **purposes of the United Nations is “to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.”** China signed and ratified the United Nations Charter in 1945 as the Republic of China, later replaced by the People's Republic of China.

The Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly in 1948, recognizes that everyone has the right to a nationality and that no one should be arbitrarily deprived of a nationality or denied the right to change nationality. The UDHR also recognizes the right of everyone to freedom of thought, conscience, religion and expression including the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. China voted in favor of the UDHR.

The International Covenant on Civil and Political Rights (ICCPR) multilateral treaty with two optional protocols, commits its parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial. China signed the treaty in

1998 but has not ratified it, however it is considered binding for the Special Administrative Region of Hong Kong.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) multilateral treaty commits its parties to work toward the granting of economic, social, and cultural rights to individuals, including labour rights and rights to health, education, and an adequate standard of living. China signed the treaty in 1997 and ratified it in 2001.

Article 1 of both the ICCPR and the ICESCR reads:

1. *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.*
2. *All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.*
3. *The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.*

Economic self-determination—a people’s capacity to dispose freely of natural resources in accordance with democratically-taken decisions—has fallen out of favor in the post-Cold War era<sup>1</sup>. And yet, it is deeply relevant to human rights realization in resource-rich developing countries today. Resource discovery—whether of oil, gold, diamonds, or even bauxite promises to provide streams of funding for economic and social rights such as education and health care in countries that desperately need aid. But all too often the resource curse strikes, and peoples in these countries find themselves victims of rollercoaster

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<sup>1</sup>See J. Oloka-Onyango, *Heretical Reflections on the Right to Self-Determination: Prospects and Problems for a Democratic Global Future in the New Millennium*, 15 AM. U. INT’L L. REV. 151, 169-73 (1999) (arguing that economic self-determination was seen as a “socialist” form of self-determination and as such fell in popularity after the perceived socialist loss at the end of the Cold War); see also Philip Alston, *Peoples’ Rights: Their Rise and Fall*, in PEOPLES’ RIGHTS 259, 270-71 (Philip Alston ed., 2001) (arguing that self-determination has declined considerably in the post-Cold War era); MICHAEL IGNATIEFF, BLOOD AND BELONGING: JOURNEYS INTO THE NEW NATIONALISM 12-13 (1995) (arguing that the Cold War regulated the proliferation of nation states, just as other systems of superpowers had in previous eras).

economies, mired in poverty and distanced from the new-found sources of wealth. As resource discovery and exploitation is increasingly seen as a primary means of reinvigorating economies of poor states, economic self-determination must be reincorporated into the mainstream human rights dialogue. Economic self-determination gives peoples the ability to take control over their mineral resources and use those resources for their own ends. It is a fundamental norm on which broader rights realization is based. For decades, however, this fundamental peoples' right has been overshadowed by other forms of self-determination. Three of the key human rights treaties written after World War II—the International Covenant on Civil and Political Rights, the International Covenant on Economic and Social Rights, and the African Charter on Human and Peoples' Rights—articulate in no uncertain terms peoples' right to economic self-determination<sup>2</sup>. However, current human rights movements have largely failed to capitalize on this clear language, and have not incorporated the concept into advocacy strategies. It is now time for human rights advocates to put that language to use, by bringing economic self-determination out of the shadows and employing it as a powerful tool for human rights advocacy related to the distribution of wealth from mineral resources.

A reinvigorated notion of economic self-determination is an essential tool for human rights realization in mineral-rich countries. It allows peoples to assert control over their own natural resources. It encourages democratic participation in order to determine the best use of those resources. And it provides human rights advocates with a foundation for arguing that those resources should be used for the realization of human rights, particularly those rights such as health, housing, and education that rely on substantial and continuing allocation of public resources. Economic self-determination is also a natural ally of current discourses on economic liberalism, democratization, and anti-colonialism. Now is the time for economic self-determination's rebirth. Some have declared self-determination a dying concept with little applicability to the formation of new states. Others have argued that self-determination is fundamentally compromised by the difficulty of defining which groups constitute a

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<sup>2</sup>See International Covenant on Economic, Social, and Cultural Rights, art. 1(2), Dec. 16, 1966, 993 U.N.T.S. 3 (entered into force Jan. 3, 1976) [hereinafter ICESCR]; International Covenant on Civil and Political Rights, art. 1(2), Dec. 16, 1966, 999 U.N.T.S. 171 (entered into force Mar. 23, 1976) [hereinafter ICCPR] (featuring identical articles that state "all peoples may, for their own ends, freely dispose of their natural wealth and resources. . ."); African Charter on Human and Peoples' Rights, arts. 20-21, June 27, 1981, 21 I.L.M. 59 (1981) (entered into force Oct. 21, 1986) [hereinafter Banjul Charter].

“people.” For the purposes of this Note, however, a “people” is broadly defined to constitute *all* persons within a state. Thus, this Note addresses self-determination claims within currently-existing states, by examining peoples’ claims to control and benefit from natural resources.

Allocation of mineral resources, economic self-determination can be very useful if it emerges from the shadows of secessionary self-determination. Secessionary self-determination—or, in other words, the use of self-determination to establish self-governed nations—dominated discussion during the decades following World War II, in part because self-determination was primarily conceived as a tool for the liberation of territories held by colonial powers. For practical purposes, economic self-determination was seen as a corollary, a mere accompanying tool for ensuring economic independence for the newly independent states, rather than an independent and distinct right. As a “poor second cousin” to secessionary self-determination, economic self-determination was not widely considered an independent tool for redressing the effects of colonialism. But economic self-determination is applicable far beyond the establishment of statehood, because it helps human rights advocates define the conversation between a government and its peoples with regard to resource discovery and exploitation.

The anti-colonial movements in Africa and Asia provided much of the impetus for the emerging legal character of self-determination during this period. During the early years of the United Nations, the general principle that one *nation* should not exercise control over the wealth of another arose as a corollary to the notion of self-government. However, the United Nations Charter refers to the “self-determination of peoples,” establishing self-determination as a principle for *peoples*, not nations. This language, while deeply rooted in state sovereignty, provides the foundation for self-determination as a peoples’ right.

The Universal Declaration of Human Rights (UDHR) demonstrates that the economic self-determination has life outside of secessionary self-determination. Without specifically articulating a right to self-determination, the UDHR establishes both economic and internal self-determination as cornerstones of human rights realization. Article 22 states that “everyone, as a member of society . . . is entitled to realization . . . in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality. In the early 1950s, the General Assembly started to explore a more specific concept of economic self-determination that focused on peoples’ sovereignty over their own resources in the context of anti-colonialism and global stability. One resolution, written in 1952, delineates economic

self-determination by balancing the rights of developing countries against macro-economic stability, both in the developing countries' economies and in the global economy. The methods suggested for helping realize economic self-determination are narrowly constrained within the framework of foreign investment used during that period. A second resolution from 1952 demonstrates a common sense among member states that economic development was directly linked to stability in developing countries. This resolution acknowledges the right to economic self-determination and suggests it is a way to achieve stability. Ten years later, that connection was explicitly spelled out: "Violations of the right of peoples and nations to sovereignty over their natural wealth and resources is contrary to the spirit and principles of the Charter of the United Nations and hinders the development of international cooperation and the maintenance of peace." Always mindful of maintaining economic order, the Assembly argued that the best way for states to preserve peaceful conditions while exercising economic self-determination was to "maintain the flow of capital" and engage in "economic co-operation among nations."

As articulations of economic self-determination gathered momentum in the late 1950s, the General Assembly expressed a desire to define the right more clearly. By this point, drafts of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights ("Covenants") had been completed. They included language on peoples' "permanent sovereignty over their natural wealth and resources" as a "basic constituent" of the right to self-determination. The General Assembly established a commission to determine "the actual extent and character of this sovereignty," and to provide recommendations for strengthening the right where necessary.

The first major legal documents to feature self-determination prominently were the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. The Covenants, which were adopted and opened for signature in 1966, provide the framework for a rights-based approach to collectively-held wealth, by establishing economic self-determination as a specific and distinct right. The African Charter on Human and Peoples' Rights ("Banjul Charter"), the regional human rights treaty adopted by the Organization of African Unity in 1981, does even more to define the right to economic self-determination as a powerful advocacy tool. All three instruments

promulgate a strong version of economic self-determination that emphasizes peoples' ability to dispose freely of their own resources<sup>3</sup>.

### **THE CHARTER OF ECONOMIC RIGHTS AND DUTIES OF STATES**

The decision to draw up a charter of economic rights and duties of States was taken by the United Nations Conference on Trade and Development in its resolution 45 (III) of 18 May 1972. The preamble to this resolution states, *inter alia*, that the Universal Declaration of Human Rights and the International Covenants on Human Rights make the full exercise of those rights dependent on the principle of self-determination of peoples and of the free-disposition of their wealth and natural resources.

The Charter of Economic Rights and Duties of States, adopted by the United Nations General Assembly in resolution 3281 (XXIX) of 12 December 1974, contains important provisions which are of particular significance for the development of the right to self-determination. The Charter includes equal rights and self-determination of peoples among the "fundamentals of international economic relations". The others are: sovereignty, territorial integrity and political independence of States; sovereign equality of all States; non-aggression; non-intervention; mutual and equitable benefit; peaceful coexistence; peaceful settlement of disputes; remedying of injustices which have been brought about by force and which deprive a nation of the natural means necessary for its normal development; fulfilment in good faith of international obligations; respect for human rights and fundamental freedoms; no attempt to seek hegemony and spheres of influence; promotion of international social justice; international co-operation for development; and free access to and from the sea by land-locked countries within the framework of the above principles.

In Article 1, the Charter of Economic Rights and Duties of States proclaims the sovereign and inalienable right of every State to choose its economic system as well as its political, social and cultural systems in accordance with the will of its people, without outside interference, coercion or threat in any form whatsoever. In article 2, it recognizes that every State has and shall freely exercise full permanent sovereignty, including possession, use and disposal, over all its wealth, natural resources and economic activities; and that each State has the right to regulate foreign investment within its national jurisdiction, to regulate and supervise the activities of transnational corporations, and to nationalize, expropriate or transfer ownership of foreign property. At the same time, in article 32, the Charter provides that no State may use or encourage the use of economic, political or any

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<sup>3</sup>Towards a meaningful rebirth of economic self-determination: human rights realization in resource-rich countries - Alice Farmer



other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights. In article 4, the Charter recognizes the right of every State to engage in international trade and other forms of economic co-operation irrespective of any differences in political, economic and social systems and declares that no State shall be subjected to discrimination of any kind based solely on such differences. In article 7, it also recognizes that every State has the primary responsibility to promote the economic, social and cultural development of its people and that, to this end, each State has the right and the responsibility to choose its means and goals of development, fully to mobilize and use its resources, to implement progressive economic and social reforms and to ensure the full participation of its people in the process and benefits of development; all States have the duty, individually and collectively, to co-operate in eliminating obstacles that hinder such mobilization and use. In article 9, it recognizes that all States have the responsibility to co-operate in the economic, social, cultural; scientific and technological fields for the promotion of economic and social progress throughout the world, especially that of the developing countries. In article 17, the Charter states that international co-operation for development is the shared goal and common duty of all States and that every State should co-operate with the efforts of developing countries to accelerate their economic and social development by providing favourable external conditions and by extending active assistance to them, consistent with their development needs and objectives, with strict respect for the sovereign equality of States and free of any conditions derogating from their sovereignty. In article 24, the Charter provides that all States have the duty to conduct their mutual economic relations in a manner which takes into account the interests of other countries and that, in particular, all States should avoid prejudicing the interests of developing countries. In article 14, it declares that all States should co-operate, *inter alia*, towards the progressive dismantling of obstacles to trade and the improvement of the international framework for the conduct of world trade and that, to these ends, co-ordinated efforts shall be made to solve in an equitable way the trade problems of all countries, taking into account the specific trade problems of the developing countries. In article 31, the Charter proclaims the duty of States- to contribute to the balanced expansion of the world economy. In article 13, it recognizes that every State has the right to benefit from the advances and developments in science and technology for the acceleration of its economic and social development and that, accordingly, developed countries should co-operate with the developing countries in the establishment, strengthening and development of their scientific and technological infrastructures and their

scientific research and technological activities so as to help to expand and transform the economies of developing countries.

### **Time for a Re-Birth: Emerging Approaches to Self-Determination in the Post-Cold War Era**

The conceptual framework of self-determination that dominated the practical application of the principle during the decades following World War II left unanswered many breaches of economic self-determination in sub-Saharan Africa. Claims for internal and economic self-determination can be (and have been) made across the continent, and these claims are supported by the legal definitions of self-determination that emerged from the Covenants and the Banjul Charter.

It is time for a new era of self-determination: one that recognizes forms of self-determination which do not necessarily challenge territorial integrity, and upholds economic self-determination as a fundamental tool for human rights advocacy. According to Martti Koskenniemi, present-day law on self-determination should fundamentally encompass some notion of democratic participation. Forms of self-determination that do not threaten territorial integrity—including economic self-determination—nurture democratic principles while providing the requisite resources to redress economic and social rights violations.

The developing support for internal self-determination provides an excellent foundation for the rebirth of economic self-determination. Internal self-determination—the right to participate in representative government and to determine the social, economic, and cultural policies of the state—diminishes the threat of minority secession by focusing on the importance of democratic participation. Scholars have already begun to recognize non-colonial peoples as legitimate holders of claims for internal self-determination. This awareness that self-determination can apply beyond secession bodes well for a greater acceptance of economic self-determination in today's human rights discourse.

### **THE ESTABLISHMENT OF A NEW INTERNATIONAL ECONOMIC ORDER**

At its sixth special session, the General Assembly adopted the "Declaration on the Establishment of a New International Economic Order" (resolution 3201 (S-VI) of 1 May 1974), which contains affirmations and principles of great importance for the present study. For instance, the Declaration states that the greatest and most significant achievement during the last decades has been the independence from colonial and alien domination of a large

number of peoples and nations, but that the remaining vestiges of alien and colonial domination, foreign occupation, racial discrimination, *apartheid* and neo-colonialism in all its forms continue to be among the greatest obstacles to the full emancipation and progress of the developing countries and all the people involved.

### **The Enduring Competition Between People and States for Control over Natural Resources**

Economic self-determination, much like internal self-determination, has at its core a power struggle between peoples and states. Since self-determination became an articulated legal concept, states and peoples have gradually become competitors for the resources of the territory. Oloka-Onyango argues, “states in modern times serve less to facilitate the dynamic of self-determination than they serve to impede it.”

With the rise of internal self-determination, commentators have become more aware of the relationship between governments and peoples when considering self-determination claims. Economic self-determination in Equatorial Guinea amounts to a struggle between the people and the Obiang government. Realization of economic self-determination can help stabilize the country and prevent claims for secessionary self-determination.

Our post-colonial concept of economic self-determination must recognize and empower peoples as rights holders. The deep connection between internal self-determination and economic self-determination is void if states hold the right to economic self-determination. Peoples, as rights holders, can use their ability to participate in the political process to “freely dispose” of their resources. In addition, enshrining people as rights holders of economic self-determination is the only way to ensure that they are the primary beneficiaries of their resources. There is much dispute in the literature as to what constitutes a “people” for the purposes of self-determination, but that is not the subject of this Note. In even the most conservative reading of this debate, the Equatoguineans constitute a “people.” The Declaration on Friendly Relations of 1970 emphasized that the concept applies to all peoples, not just to colonially-oppressed peoples.

Article 1 of the Conventions applies at minimum to peoples organized as states. Economic Self-Determination and Democratization much of the political support for secessionary self-determination has morphed into support for democratization in the post-Cold War era. Economic self-determination supports the modern movement for democratization defined as participation in electoral systems as well as the development of

broader liberal democratic institutions such as the rule of law, constitutionalism, and equality before the law. Democratization and economic self-determination are interlinked on two levels: Not only is democratic participation an inherent part of the “free disposition” standard in the exercise of economic self-determination, but economic self-determination can also provide the necessary resources for universal education that increases and deepens democratic participation.

Emerging support for democratization, motivated in part by the fear of further fragmentation of states, can be seen as a replacement for secessionary self-determination. Meanwhile, there has been increasing acceptance of the idea that preventing human rights violations justifies interference in another state’s affairs. Together, these two concepts demonstrate a commitment to promoting democratic pluralism and human rights through internal self-determination. Economic self-determination has a symbiotic relationship with democratization, by enhancing economic and social rights to enable people to participate in democratic processes, and by granting people the resources with which to implement their democratically-taken decisions. Conceptually, the rebirth of economic self-determination feeds naturally into the liberal goals that predominate in today’s international order.

Economic self-determination comports with principles of liberalism by giving substance to democratization. The Covenants emphasize that “all peoples *have* the right of self-determination”; economic self-determination has a fundamentally ongoing nature. Democratization does not necessarily *replace* political self-determination; rather, it provides the foundation for effective realization of the principle of self-determination. Political empowerment without economic content is an unbalanced system of democracy. Alston argues that the decline in prominence of self-determination during the post-Cold War era has led to the concept being “all but superseded by the discourse of civil and political rights.” But self-determination is more than just its civil and political dimensions; self-determination as detailed in the Covenants also encompasses economic aspects. Democratization has replaced the political aspects of self-determination; now is the time to complement that movement by resurrecting the economic aspects.

Economic self-determination, as an integral part of an effective democracy, can help mineral-rich countries avoid rent-seeking cycles and promote good governance. Karl argues that oil exploitation in the developing world is often accompanied by the destructive cycle of rent-seeking, state disorganization, and regime decay. Norway a robust democracy with a good degree of wealth distribution is one of the few exceptions to this pattern. Karl identifies various factors that would help offset or reverse this cycle including diversified tax structures,

professionalized civil services, and more representative and equitable institutions all of which could be bolstered through economic self-determination. Economic self-determination cannot solve the massive governance problems associated with oil discovery. But it can provide valuable support for democracy-building efforts that can stabilize the country.

Effective realization of economic self-determination helps increase female participation in democracy; Women are disproportionately impacted by violations of economic self-determination, because they are hit worse by ongoing poverty. Natural resource exploitation exacerbates this impact. For instance, the destruction of the natural environment can cause dislocation and disruption of subsistence agriculture for many women. Furthermore, women are frequently unable to participate in the job opportunities created by new exploitation of natural resources, and so are more vulnerable to the poverty created by the changing economy. The participation of women and girls is key to full democratization: they can bolster economic development, civil society, and good governance.

Realizing economic self-determination helps women participate in democratization. And yet, self-determination in the era of decolonization marginalized women's concerns by placing great emphasis on a state-centred application of the doctrine. That imbalance can now be redressed through the rebirth of economic self-determination in a manner that stresses the importance of women's participation in the democratic process. Women's ability "to exercise rights of self-determination in a political sense is inextricably connected to economic and cultural integration." Using economic self-determination when advocating for women's rights is a way to promote democracy; Economic self-determination is therefore a natural ally of the emerging trend for democratization. It calls for a more democratic decision-making process on the use and distribution of natural resources. Economic self-determination gives peoples the resources to make democratization a reality.

## CONCLUSION

Certain United Nations instruments dealing with the principles governing international trade relations and trade policies conducive to development, with the establishment of a new international economic order and with the economic rights and duties of States are of special importance as regards the creation of conditions that assist peoples in the pursuit of their economic development as a fundamental element of the right to self-determination. Economic self-determination gives peoples the ability to take control over their mineral resources and use those resources for their own ends. It is a fundamental norm on which broader rights realization is based. For decades, however, this fundamental peoples' right has been overshadowed by other forms of self-determination. Three of the key human rights treaties written after World War II—the International Covenant on Civil and Political Rights, the International Covenant on Economic and Social Rights, and the African Charter on Human and Peoples' Rights—articulate in no uncertain terms peoples' right to economic self-determination. Economic self-determination—a people's capacity to dispose freely of natural resources in accordance with democratically-taken decisions—has fallen out of favor in the post-Cold War era<sup>4</sup>. And yet, it is deeply relevant to human rights realization in resource-rich developing countries today.

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<sup>4</sup>See J. Oloka-Onyango, *Heretical Reflections on the Right to Self-Determination: Prospects and Problems for a Democratic Global Future in the New Millennium*, 15 AM. U. INT'L L. REV. 151, 169-73 (1999) (arguing that economic self-determination was seen as a "socialist" form of self-determination and as such fell in popularity after the perceived socialist loss at the end of the Cold War); see also Philip Alston, *Peoples' Rights: Their Rise and Fall*, in PEOPLES' RIGHTS 259, 270-71 (Philip Alston ed., 2001) (arguing that self-determination has declined considerably in the post-Cold War era); MICHAEL IGNATIEFF, BLOOD AND BELONGING: JOURNEYS INTO THE NEW NATIONALISM 12-13 (1995) (arguing that the Cold War regulated the proliferation of nationstates, just as other systems of superpowers had in previous eras).

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