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THE LEGAL HISTORY OF THE BOGOTÁ DECLARATION: CONTESTING THE MEANING OF "HUMANITY" FROM THE GLOBAL SOUTH

Abstract

Spaceflight arrived on the heels of decolonization. It also reoriented how various actors conceptualized "humanity" and the "globe" in international law, conjuring images like the "world picture." Global north actors pursued the massive undertaking of spaceflight by means of vastly disproportionate economic resources, yet, in the same breath, often invoked "common humanity" and the borderless "whole Earth." This did not go unnoticed to transnational decolonization efforts that directed international law toward the redistribution of economic and technological resources. These histories raise important questions about the relationship between high technology, global inequality, and access to the so-called "global commons" in the long and continuing aftermath of decolonization.

The Bogotá Declaration of 1976 provides a fruitful case study for exploring this relationship. It accentuates connections between transnational decolonization efforts, high technology, and conceptions of nature in international law. In the Declaration, a coalition of equatorial states (Colombia, Congo, Ecuador, Indonesia, Kenya, Uganda, and Zaire, with Brazil as observer) claimed national sovereignty over geostationary orbital slots above their territories. These global south states used a conception of nature, the relation between equatorial territory and geostationary orbit, to prevent space-capable nations from occupying these orbital slots before "developing countries" could "catch up." These slots were and remain among the most lucrative locations in orbit because they are essential to communications and remote sensing satellites, which first achieved widespread commercial success in the 1970s. The Declaration was a failure—no space-capable nation agreed to it—and has enjoyed minimal attention from historians of international law and decolonization.

Yet the Declaration complicates historical accounts which claim that conceptualizations of nature like "common humanity" and the borderless "whole Earth" are imperial categories employed by global north actors. Read in the context of the New International Economic Order and disputes surrounding the Outer Space Treaty of 1967 and the similarly-defunct Moon Treaty of 1984, the Declaration's history suggests that these concepts are not intrinsically imperial or anti-imperial. Rather, they are plastic. Their fundamental character—a set of relationships between nature, sovereignty, and property—is contested in the law, re-ordered in conflicting ways that seek conflicting normative ends, even among global south actors. Here, imperial power manifests not in the concepts of "common humanity" and the "whole Earth" as mere descriptions of human activity or the natural world but through the process of shaping and reshaping their meanings in the law. This bears normative insight for legal problems today.