

DOWNLOAD PDF TRADING SELF-DETERMINATION FOR AUTONOMY OR ENHANCED SELF-GOVERNANCE

Chapter 1 : Escaping the Self-Determination Trap

Trading Self-Determination For Autonomy Or Enhanced Self-Governance /ej Brill's MyBook program is exclusively available on BrillOnline Books and Journals.

Advanced Search Abstract Self-determination conflicts outside the colonial context have previously appeared virtually impossible to settle. Long-running and very destructive internal armed conflicts have been the result. Since the termination of the Cold War, however, there has been a veritable wave of self-determination settlements. While some of these trade the claim to secession for internal autonomy in order to safeguard the territorial unity of the state, a number of innovative solutions have been adopted, going beyond this traditional approach. This article reviews over 40 settlements and draft settlements in order to identify an emerging post-modern pattern of practice of settling self-determination disputes. The article also assesses the impact of this practice on the classical, restrictive understanding of the doctrine of self-determination. It provides a powerful focus for nationalist fervour, and it offers a convenient tool for ethnic entrepreneurs seeking to mobilize populations and fighters in pursuit of a secessionist cause. Indeed, self-determination conflicts are among the most persistent and destructive forms of warfare. Such a campaign may trigger a disproportionate response by the government, at times putting in danger the populations of entire regions. This may lead to profound destabilization of societies placed at risk of disintegration, as can be seen in Sri Lanka or Sudan. And, due to the doctrine of non-intervention, international actors are traditionally hesitant to involve themselves in attempts to bring about a settlement of the conflict. At present, there are about 26 ongoing armed self-determination conflicts. In addition to these active conflicts, it is estimated that there are another 55 or so campaigns for self-determination which may turn violent if left unaddressed, with another 15 conflicts considered provisionally settled but at risk of reignition. The powerful force of nationalism or ethnic entrepreneurship does not alone explain the explosive nature of self-determination claims. At the structural level, the very doctrine of self-determination contributes to the fact that, traditionally, few existing or new conflicts were addressed. Instead, such conflicts have often seemed beyond resolution. For the doctrine of self-determination has traditionally been seen as an all-or-nothing proposition. True, self-determination has numerous layers of meaning. This includes a right to democratic participation for individuals which can be derived from the doctrine of self-determination, group rights and certain additional human rights entitlements for minorities, and for indigenous peoples. But at the sharp end, where opposed unilateral secession is concerned, the doctrine in its simplicity and mono-dimensional application has contributed to conflict, rather than helping to resolve it. Governments have an interest in perpetuating the legitimating myth of statehood based on an exercise of the free will of the constituents of the state – their own legitimacy depends on it. But while embracing the rhetoric of free will and self-constituting states, governments have simultaneously ensured that the legal right to self-determination, at least in the sense of secession, is strictly rationed and cannot ever be invoked against the state they represent. Hence, self-determination as a positive entitlement to secession has been applied only to classical colonial entities and closely analogous cases. Unsurprisingly, the Russian Federation, and many other states faced with an equivalent claim, made sure that the doctrine of self-determination was framed to apply only in the classical and narrowly defined circumstances of salt-water colonialism which practically no longer exist. As soon as a colony has gained independence, it will itself start defending its own territorial integrity with utmost vigour. There is no secession from secession. Colonial self-determination movements are entitled to establish national liberation movements, and the international system is twisted in their favour, to help them overcome the last vestiges of colonialism. However, in their case, the self-determination privilege does not apply. Instead, the international system is structured in such a way as to help the central state ensure their defeat. However committed their cause, groups fighting on behalf of peoples outside the colonial context are classified as secessionist rebels and, potentially, terrorists. Hence, they can be engaged with minimum international legal restraint, under the very legal order of the state from

which they seek to escape. This restrictive doctrine of self-determination leaves unaddressed three principal types of cases: Cases arising outside the colonial context for example, Chechnya, Corsica, the Basque Country, Kosovo, etc. These are cases where the concept of self-determination in the sense of secession does not apply at all, given the lack of a colonial nexus. Challenges to the territorial definition of former colonial entities for example, Bougainville, Sri Lanka, Philippines, Burma, India in relation to tribal peoples. These are cases where a former colony exercised the right to self-determination, but ethnic movements emerging within the newly independent state seek separation. Challenges to the implementation of colonial self-determination for example, Eritrea, Somaliland, Kashmir, perhaps Southern Sudan and the Comoros and Mayotte. These are cases where it is argued that the doctrine of *uti possidetis* was wrongly applied at the point of decolonization, or that an entity was wrongfully incorporated into the newly independent state at that moment. Overall, the all-or-nothing game of self-determination has helped to sustain conflicts, rather than resolve them. Self-styled self-determination movements see no alternative to an armed struggle or the resort to terrorist strategies in order to achieve their aims. Central governments see little alternative to violent repression. Generally, self-determination conflicts will therefore terminate only once the government has won a decisive victory against the secessionist entity, as was the case, for instance, in relation to Katanga and Biafra in and respectively. This is the option of achieving a settlement. However, out of the some 78 self-determination conflicts since the end of World War II only a handful were settled during the Cold War; most either ended in a decisive victory for the government or led to a protracted and mutually damaging stalemate. With the end of the Cold War, this situation changed. First, there was a profusion of new self-determination conflicts triggered by the unfreezing of the Cold War blocs. These risked causing regional destabilization, especially in Europe. Hence, settlements were imposed in relation to some of them, in particular the former Yugoslavia. Secondly, long-running conflicts in other regions were finally starved of fuel from their former Cold War supporters. A settlement suddenly became an attractive option to both sides, especially as a continuation of the conflict damaged the economic interests of both central government and secessionist regions. The parties used this momentum to escape a mutually harmful stalemate through settlement. Hence, since the end of the Cold War in thereabouts, at least 32 self-determination settlements have been achieved. There are another 10 draft settlements which have either not yet been adopted or have been rejected by the one or other party for the moment, with a strong likelihood of the resurrection of the agreement. Self-determination settlements can be divided into nine different categories. Trading self-determination for autonomy or enhanced local self-government B. Regionalism, federalization, or union with confirmation of territorial unity C. Deferring a substantive settlement while agreeing to a settlement mechanism D. Balancing self-determination claims E. Agreeing on self-determination but deferring implementation F. Establishing a *de facto* state G. Constitutional self-determination It will be convenient to address each of these in turn before asking whether this practice reveals a change in understanding of the substance of the doctrine of self-determination or the application of new and innovative settlement mechanisms. A Trading Self-determination for Autonomy or Enhanced Local Self-government Territorial autonomy has been the classical means of settling self-determination disputes outside the colonial context. It denotes self-governance of a demographically distinct territorial unit within the state. This statute will often be legally entrenched as a special or organic law, to ensure the permanence of this arrangement. While operating within the overall constitutional order of the state, autonomy implies original decision-making power in relation to devolved competences. In this respect autonomy differs from decentralization. Decentralization allows local agencies some room to implement decisions taken at the centre. Autonomy provides competence to local actors to take such decisions themselves. Virtually all settlements of the Cold War era were autonomy settlements. In the s, a major initiative towards this end was launched in the UN General Assembly by the government of Liechtenstein. These are local or regional autonomy and federalization. The latter, which will be considered in the next section, tends to be offered where the secessionist entity has established effective control over the relevant territory with no prospect of recapture by the centre, or where the entity can point to a federal status it enjoyed previously. It is of course widely

DOWNLOAD PDF TRADING SELF-DETERMINATION FOR AUTONOMY OR ENHANCED SELF-GOVERNANCE

accepted that autonomy can be a means of addressing the minority rights entitlements of such communities. Devolution of powers of self-government can occur state-wide, establishing an entity which is not quite a federation, but which is nevertheless entirely composed of units of regional or local government endowed with significant and equal devolved competences. More often, however, devolution takes place in relation to only certain parts of the territory, resulting in asymmetrical autonomy. That is to say, the overall state continues to administer itself under an essentially centralist state structure, offering special status to one or more entities which enjoy autonomous or even federal-type competences. The devolution of Scotland and Wales may serve as an example. In some instances, a constitution provides the opportunity of devolution to all regions, offering the potential that an initially asymmetrical situation will gradually turn into a symmetrical one. The loss of state control over important public functions in areas where minorities dominate is sometimes seen as a dangerous development which may ultimately lead to secession. The post-Cold War environment, however, has seen a significant proliferation of autonomy arrangements that, previously, tended to be mainly concentrated in Western Europe. Like subsequent settlements, these tend to balance autonomy with a legally entrenched commitment to territorial unity. Autonomy or self-government was proposed in relation to Corsica and, in a very wide-ranging way, for Cyprus. In both cases the draft agreement failed to be accepted by the relevant populations, or segments thereof. However, while recognition occurred, the demand for autonomy was not complied with, for instance in relation to Croatia. Autonomy was, however, negotiated successfully in Eastern Europe, in particular in relation to the Ukraine Crimea and Moldova Gagauzia. Enhanced local self-government was also deployed as a substitute for formal autonomy in the Ohrid Agreement addressing the Republic of Macedonia, adopted in the wake of the conflict with ethnic Albanian armed groups. Russia had transferred this mainly ethnic Russian inhabited area to the Ukrainian Republic only in In the context of the dissolution of the USSR, the area declared itself a Republic, claiming a right of secession from the Ukraine. However, it does so in a very specific way – emphasizing that the parties have adopted autonomy as the most appropriate form of self-determination in this instance. In this way, Gagauzia did not have to surrender its claim to self-determination as a precondition for a settlement, but it has implemented that right through the settlement. Hence, its claim to self-determination was accepted, while it was at the same time contextually reduced to autonomy exercised without prejudice to the territorial integrity of the overall state, save under certain specific conditions. In the more recent Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement , Aceh is granted very wide powers of self-administration, covering all sectors of public policy other than foreign affairs, external defence, national security, monetary and fiscal matters, justice, and freedom of religion, which fall into the jurisdiction of the government of the Republic of Indonesia in conformity with the constitution. Moreover, decisions with regard to Aceh by the legislature of the Republic of Indonesia will be taken in consultation with and with the consent of the legislature of Aceh. Administrative measures undertaken by the government of Indonesia with regard to Aceh will be implemented only in consultation with and with the consent of the head of the Aceh administration. In a step approaching asymmetrical federation, the agreement goes on to provide: The northern regions remain free to opt into the inter-regional assembly arrangement or not. The competences of the inter-regional assembly are, however, mainly limited to consultation and coordination among the autonomous regions of the north, and it is therefore appropriate to consider the settlement principally an autonomy settlement. While other settlements emphasize greatly the guarantee of continued territorial unity and integrity, the Mali settlement also reflects the experience of certain autonomous entities in the past. The content of the present Pact is a solemn commitment and the terms therein are irrevocable, agreed by the two parties and binding all Malians and their institutions.

DOWNLOAD PDF TRADING SELF-DETERMINATION FOR AUTONOMY OR ENHANCED SELF-GOVERNANCE

Chapter 2 : Escaping the Self-Determination Trap - PDF Free Download

Trading Self-determination for Autonomy or Enhanced Self-governance; VIII. Regionalisation, Federalisation, or Union with Confirmation of Territorial Unity; IX. Deferring a Substantive Settlement while Agreeing to a Settlement Mechanism; X. Balancing Self-determination Claims; XI.

What Is An Autonomous Government? Autonomy refers to the capacity and right of a country or other jurisdiction to govern itself. Catalan flags are flown outside houses in Barcelona by Catalonian Spaniards who desire a separate, autonomous Catalan state. Autonomy, Defined Autonomy refers to the capacity and right of a country or other jurisdiction to govern itself. In political, moral, and bio-ethical philosophy, it is explained as the capability of an entity to make an informed, unforced decision. Anarchism has been an influence in the autonomous ideas brought about by former colonies seeking autonomy from their colonizers. While some endemic peoples have governed with autonomous values using the concept of anarchism as a uniting force in their primitive society. It may also be about the moral choices made by rational entities. The Concept Of Autonomy Autonomy or self-governance is an intangible thought and idea. It also refers to corporations, organizations, religions, and local governments. It is about governance and consent of the governed. In international law, it is about national sovereignty as in former colonies seeking self-governance. It could be the end result of colonial rule, monarchy, or an absolute regime. When entities like ethnic and religious groups feel unrepresented in national governments, these entities seek autonomy. Historical Example In international law, autonomy is about indigenous peoples, sovereignty, recognition of states, self-determination, or secession. National sovereignty is about self-governance of nations according to international law. The case for the Philippine Islands before it declared its total independence from the United States is cited in the Philippine Autonomy Act of It would grant autonomy to the Filipinos upon creation of an autonomous government but in time of conflict with a hostile country, the US would have the privilege to protect the Philippines. Most colonial powers in the past also granted autonomous rule to their colonies before granting them full independence. Administration and Contemporary Fights for Autonomy International Law defines autonomous areas as regions of a state that has some ethnic distinctiveness, where some power of internal administration has been given but remains part of the state. Regional autonomy refers to the granting of autonomous rule to outlying regions still within its jurisdiction. It is decentralization of governance from the head government. It is the transfer of control and functions from the central government to the regional level. In an advanced state of self-governance, in rare cases, full independence might be achieved. The Spanish Basque region and the Spanish Catalan region are among the best examples of two regions in a country fighting for regional autonomy today. The following proposals might be considered in some cases. First, the creation of an ethical code that would include acceptable behavior inside that unit. This would be similar to established professional ethics. Second, the ability to have an outside political authority come in to resolve internal conflict. Third, a code of silence regarding internal activities to outsiders. Fourth, the internal ability to resolve problems internally. Sixth, an order that would ensure the election of leaders. Seventh, a control system against breakaway groups or factions that would threaten the peace of the region. This page was last updated on April 25,

DOWNLOAD PDF TRADING SELF-DETERMINATION FOR AUTONOMY OR ENHANCED SELF-GOVERNANCE

Chapter 3 : What Is An Autonomous Government? - calendrierdelascience.com

Trading Self-determination for Autonomy or Enhanced Self-governance Territorial autonomy has been the classical means of settling selfdetermination disputes outside the colonial context. It denotes selfgovernance of a demographically distinct territorial unit within the state.

Settlements and Steps towards Settlement 8 Preface There is new movement in the discussion about self-determination and statehood. The contested declaration of independence by Kosovo will soon be subjected to review by the International Court of Justice. These developments may well put an end to the attempt by governments to keep in place the highly restricted doctrine of selfdetermination that has only been made available in the colonial context. The reason is simple: However, if international law does not address the actual causes of armed contestation about the identity of states, it is likely to remain irrelevant in this area. As illustrated by the crisis involving Kosovo, groups struggling for statehood are unlikely to be impressed by the argument that their immediate concerns cannot be addressed by the international legal order, due to larger considerations of stability in the international system. In the end, however, statehood nevertheless resulted. In the meantime, the local population had undergone tremendous suffering. This demonstrated that the application of traditional doctrines and concepts does not in fact generate the peace and stability it is meant to secure. The most recent developments concerning statehood have 9 Escaping the Self-determination Trap already led to a revival of discussions about alternative concepts, such as remedial self-determination. While this debate will undoubtedly contribute to the development of the law in this area, this study also points to a less visible, but perhaps at least equally as important, development. This concerns the actual practice of addressing self-determination disputes that has arisen over the past decade or two. Some of these expressly apply the concept of self-determination outside of the colonial context. Still other types of agreement seek to trade a claim to independence for enhanced governance within existing states. The following chapters review this practice, among other developments, and consider its impact on the previously mono-dimensional view of self-determination. Moreover, an initial treatment of the issue of remedial self-determination has been attempted – an issue which will need to be developed further in light of advancing practice. Ms Katherine Nobbs offered, as always, unwavering support for the project and supervised the publications process. Ms Lindy Melman and Ms Bea Timmer were kind enough to support the publication of this monograph with their usual enthusiasm. Oxford University Press ; M. Routledge ; M. Metzger, *Settling Self-determination Disputes*, Dordrecht: Martinus Nijhoff ; M. Council of Europe Press ; M. University of Pennsylvania Press Governments tend to respond with disproportionate force to challenges of this kind. A spiral of violence may develop leading to profound destabilisation of societies placed at risk of disintegration, as seen in Sri Lanka or Sudan. For the doctrine of self-determination 3 4 D. Paradigm Publishers , True, self-determination has numerous layers of meaning, which include a right to democratic participation for individuals, certain human rights entitlements for minorities and additional benefits for indigenous peoples. Governments have an interest in perpetuating the legitimising myth of statehood based on an exercise of the free will of the constituents of the state – their own legitimacy depends on it. As was famously expressed in a United Nations UN report on the subject of selfdetermination: In such cases, the peoples have the right to regain their freedom and constitute themselves and independent sovereign states. Of course, in this context it is important to note one crucial distinction. This concerns secession by right in contrast to secession in fact. Eastern Timor case, ICJ Governments may at times wish to claim that this obligation is not only directed at other states, but also constrains the acts of those within existing states, seeking secession. Effective statehood generated in this way does not offend the rule of territorial unity. As Professor Crawford argues persuasively: Oxford University Press , Hence, a colony enjoys legal personality before it gains independence, it must not be repressed during its attempt to administer the act of self-determination, it may resist repression, etc. On the other hand, an entity that obtains independence merely through effectiveness will remain exposed to possible forcible

DOWNLOAD PDF TRADING SELF-DETERMINATION FOR AUTONOMY OR ENHANCED SELF-GOVERNANCE

reincorporation by the central state until its status is resolved through agreement between the parties or by way of widespread recognition. Given the powerful nature of this privilege, self-determination in the sense of secession has only been applied to classical colonial entities and closely analogous cases. As soon as a colony has gained independence, it will itself start defending its own territorial integrity with utmost vigour. There is no secession from secession. Oxford University Press 2nd ed. Colonial self-determination movements are entitled to establish national liberation movements, and the international system is twisted in their favour to help them overcome the last vestiges of colonialism. However, in their case, the self-determination privilege does not apply. Instead, the international system is structured in a way that actually assists the central state in ensuring their defeat. Hence, they can be engaged with minimum international legal restraint, under the very legal order of the state from which they seek to escape. This view was already expressed during the League of Nations period, even before the right of self-determination was firmly recognised in international law. As an international Committee of Jurists held in relation to the attempt of the Aaland Islands, almost entirely inhabited by Swedish-speakers, to separate from Finland: Generally speaking, the grant or refusal of the right to a portion of its population of determining its own political fate by plebiscite or by some other method, is, exclusively, an attribute of 15 16 Genuinely colonial self-determination entities enjoy legal personality even before administering the act of self-determination. Any other solution would be interesting, therefore, that a balancing between the interests of the population concerned and the need to maintain international stability and peace was undertaken even then. This approach has persisted to this day, as evidenced by an important decision of the Canadian Supreme Court: Where, as here, unilateral secession would be incompatible with the domestic constitution, international law is likely to accept that conclusion. The attempt to address the fate of those seeking to escape from the domestic jurisdiction of a state solely through that jurisdiction is of course not very promising. The traditional abdication of international law in such instances will tend to remove the option of constructive action at the international level to help manage the identity crisis of the state under threat. As Hurst Hannum notes: This irrelevance, generated through the exclusive application of self-determination in the sense of possible secession in the colonial context, applies in at least three sets of circumstances: Text available at <http://Hannum, Autonomy, Sovereignty and Self-determination: University of Pennsylvania Press> , These are cases where the concept of self-determination in the sense of secession does not apply at all, given the lack of a colonial nexus. These are cases where a former colony exercised the right to self-determination, but ethnic movements emerging within the newly independent state seek separation. These are cases where it is argued that the doctrine of *uti possidetis* was wrongly applied at the point of decolonisation, or that an entity was wrongfully incorporated into the newly independent state. Self-styled self-determination movements see no alternative to armed struggle or to the use of terrorist strategies to achieve their aims. Central governments see little alternative to violent repression. This is the option of achieving a settlement. Most either ended in a decisive victory for the government or led to a protracted stalemate that was detrimental to both sides. With the end of the Cold War, this situation changed. A new climate set in, presenting an opportunity to reassess the concepts of state sovereignty and self-determination, while, simultaneously, new challenges to the traditional doctrine of territorial unity emerged. These risked causing regional destabilisation, especially in Europe. Hence, settlements were imposed in relation to some of them, in particular the former Yugoslavia. The parties used this momentum to escape a mutually damaging stalemate through settlement. Hence, since the end of the Cold War in around , at least 32 self-determination settlements have been achieved. University of Maryland , All texts available in full at <http://> For all self-determination agreements and related documents listed below, see the Cambridge-Carnegie document archive at <http://> There are another 10 draft settlements that have either not yet been adopted, or have been rejected by the one or other party for the moment, with a strong likelihood of resurrection of the agreement. The United Nations has not closed its door. While this message sounded like an acknowledgement that a new approach to self-determination might be forthcoming, the Secretary-General continued: The attempt to address the concerns of ethnic communities through human rights, and minority rights provisions represented only a

modest progression in thinking on the subject. One might also include the settlement plan for Western Sahara, although this is the last remaining major outstanding case of colonial self-determination, alongside the special case of Palestine. However, what has gone unnoticed thus far is that the spectrum of settlement opportunities now also quite clearly extends to self-determination in the sense of secession outside of the colonial context. It will then turn to relatively new concepts, such as constitutional self-determination and remedial secession. Finally, the remainder of the book will be devoted to the analysis of recent settlement practice in the area, addressing the question of whether this profusion of settlements has helped to overcome the damaging consequences of the restrictive doctrine of self-determination for the international system. A Concept with Multiple Meanings This monograph addresses self-determination as the right of all peoples freely to determine their political, economic and social status – the formulation used in virtually all relevant UN documents addressing the issue. External self-determination will normally be taken to include the right to secession. Internal self-determination concerns the choice of a system of governance and the administration of the functions of governance according to the will of the governed. This division is controversial in its implication that self-determination is not a continuous right that applies equally in all circumstances concerning the identity of the state or its governance. The Right to Self-determination in International Law The following are examples of the different layers of meaning of self-determination in a legal sense. Self-determination as an individual right. Self-determination is not only a right exercised by peoples or groups. It is also a human right of individuals. Hence, individuals are entitled to participate in the political, economic or cultural system of their state. Somewhat sceptical is J. Cambridge University Press More recent practice, while far from consistent, has tended to strengthen the extent of international involvement in internal governance issues; see M.

DOWNLOAD PDF TRADING SELF-DETERMINATION FOR AUTONOMY OR ENHANCED SELF-GOVERNANCE

Chapter 4 : Self-governance - Wikipedia

A Trading Self-determination for Autonomy or Enhanced Local Self-government Territorial autonomy has been the classical means of settling self-determination disputes outside the colonial context. It denotes self-governance of a demographically distinct territorial unit within the state.

Research Associate Professor and Director, Self-Determination Projects The Beach Center on Families and Disability, The University of Kansas Personal Strategies What are the key opportunities, skills, information and supports needed by individuals to express self-determination take control of their lives? In both cases, self-determination must be understood in opposition to other-determination. Self-determined individuals are, within our framework, "causal agents" in their lives. That is, they make or cause things to happen in their lives. Personal self-determination and consumer control are, basically, two sides of the same coin. Young people who leave school better prepared and enabled to set goals, make decisions, solve problems, and self-advocate will, in turn, be more likely to and more capable of taking control over their lives, including exerting greater control in the direction of services or supports from which they might benefit and with which they can achieve self-selected goals. Despite rhetoric to the contrary, I see no particular predominance to any one of these components; they are all important if individuals with and without disabilities are to become more self-determined. The interaction between enhanced capacity and increased opportunity leads to more adaptive perceptions and beliefs about oneself and the environments in which one lives, works, plays and learns. This is the basic process involved in the development of self-determination; beginning early in life, indeed at birth, children acquire and develop a variety of skills that enable them to navigate their environments. At the same time, children are provided more, and more sophisticated, opportunities to make choices, solve problems, and so forth. This "reciprocal dance" continues, sometimes with opportunity in the lead and other times with capacity enhancement in the lead, and as children become more capable and have more experiences of success, they become more confident of their capacity, believe that they can act on their environment, and begin to take greater risks. By adolescence, young people are involved in decisions, have a fairly accurate understanding of their strengths and limitations, and begin to exert more control and seek greater autonomy. The intervening factors for both capacity and opportunity are the design and implementation of individual supports and accommodations. The degree to which individuals with the most significant disabilities are "self-determined" is as much a function of the degree to which supports and accommodations are provided that compensate for limitations in capacity and, likewise, enable people to circumnavigate barriers in opportunity and environment. Such supports will range from assistive technology devices and creative programmatic activities to friends and neighbors, and will be as individual as the person him or herself. As such, the key actions that need to occur to enhance self-determination and, ultimately, consumer direction and control, involve engaging children early on in the dance of opportunity and capacity enhancement, and being creative and diligent in identifying, designing, and providing supports and accommodations. We have identified a number of critical areas related to capacity enhancement, including teaching students through instruction and role modeling, how to identify and solve problems, set and attain goals, self-manage and self-regulate their behavior, make decisions, and self-advocate. These are areas in which there are proven instructional techniques and materials that can lead to enhanced capacity for virtually all students. Children in elementary school are not, developmentally, ready to make independent decisions, and activities to promote self-determination revolve more around understanding consequences of various options available through the choice-making process, identifying and enunciating simple problems, self-evaluating progress toward goals based on preferences, and so forth. As children mature and become young people, they are better equipped to learn to apply their burgeoning choice-making and problem-solving skills to the decision-making process. In addition to the wide array of relevant instructional activities, there are a variety of opportunities and experiences that will contribute to enhanced self-determination. Early in life children need to be provided

opportunities to make choices and experience the outcomes of those choices. The old adage that nothing succeeds like success is true as well, in that children become "psychologically empowered" based on continuing experiences with success. This is particularly true in areas like teaching problem solving, where children should begin learning with solvable problems, and move to more difficult problems only after they have had experiences with successful problem solving. Although efforts to promote self-determination should not be provided only to students receiving their education in inclusive settings, the fact of the matter is that experiences of isolation and segregation breed dependency and stifle self-sufficiency. Children need to have ongoing experiences of integration and the opportunities to develop the friendships and networks that become the ultimate supports and accommodations. Teachers also need to create learning communities in which all children have a voice in and contribute to classroom rules, standards of behavior, and the daily schedule. Opportunities to make choices, solve problems, and make decisions should be infused into the curriculum across all content areas and self-determination should not be marginalized as a discrete content area. The educational planning and decision-making process provides a unique and powerful vehicle in which to provide experiences that enhance capacity and to enable children and young people to assume control over decisions that impact their lives. Such processes are inevitably goal-oriented, and children and youth need to have the chance to learn to set and track goals. The goal-setting process should include goals and objectives that are developed by the student, and across multiple goal areas students should be enabled to evaluate their progress on goals and to design action plans to achieve that goal. As previously mentioned, the process of identifying and providing supports and accommodations is a highly individualized process, and it is not feasible to identify such supports outside of a thorough examination of personal preferences, wants, needs, abilities, limitations, values, and so forth. There are, undoubtedly, a number of accommodations, like synthesized communication devices, or supports, like person-centered planning, that will have wide viability for promoting self-determination. Nonetheless, there is no list of supports or accommodations, no matter how innovative, that fits every need and will enable every person to become more self-determined. In some ways we run the risk of limiting the creativity and energy with which we approach the process of identifying supports and accommodations if we identify a stock set of such accommodations. Most of these issues focus on promoting self-determination for children and youth with disabilities. There are, certainly, many adults who have some of the same needs and have not had the opportunity to learn skills that enable them to exert greater control and to, in fact, simply do so. In such circumstances, one must be cautious of applying models from education to the lives of adults. The role of student is one which has inherent in it a power relationship, with the student under the control of, to some degree, the teacher. To avoid keeping individuals with disabilities in child-like and subservient roles all their lives, it is likely that in the dance between opportunity and capacity enhancement, opportunities to exert and take control may need to lead, with skills development and capacity enhancement following as a part of that opportunity. When capacity enhancement does need to lead, it should be through a self-directed manner. That means that individuals should be provided the opportunity to engage in self-directed learning activities that enable them to acquire new and valuable skills or that they need to be provided the authority to determine, on their own, how they learn a particular new skill. Perhaps the most important action we can take to support and better enable adults with disabilities to become more self-determined and to take greater control over their lives and destinies is to frequently communicate our belief in them and in their capacity and right to assume the mantle of adulthood. It is often not teaching a skill or providing an opportunity that is the catalyst to change, but instead simply the act of expressing support for and belief in an individual that prompts action. Finally, we need to move from thinking about self-determination as a "disability" issue and move forward with the recognition that this is an important contributor to an enhanced quality of life for all people. Enabling and supporting self-determination is a recognition of the value and worth of all people, and communicates respect and dignity. Family Strategies What is the role of families in supporting the self-determination and control of their members? What do families need to be able to support the self-determination and self-direction of their members? Families are the

DOWNLOAD PDF TRADING SELF-DETERMINATION FOR AUTONOMY OR ENHANCED SELF-GOVERNANCE

essential ingredient in promoting self-determination, and efforts that proceed without active family involvement are destined to be less successful than they would otherwise be if there was an active family component. Family members are the earliest models of goal setting, problem solving and decision making strategies, provide the environment in which young children learn, through exploration and trust, that they can influence outcomes in their lives, and remain the primary support mechanism for most people across the life span. Individuals who become self-determined frequently point to the fact that they received encouragement within their family to strive toward greater self-determination and self-advocacy. Parents and family members can create a supportive environment in which children can test their abilities and limitations. It is important to assist families to help their child develop positive work habits and behaviors, skills to enhance personal self-determination and the self-confidence to succeed. The Arc suggested ten simple steps for families to promote independence and self-determination, and educators could provide information like this to parents: Walk the tightrope between protection and independence. Allow your son or daughter to explore his or her world. Children need to learn that what they say or do is important and can have influence on others. This involves allowing risk-taking and exploration. Self-worth and self-confidence are critical factors in the development of self-determination. Model your own sense of positive self-esteem to your child. That does not mean, however, to focus on the negative side of the condition. Schedule opportunities for interactions with children of different ages and backgrounds. Set realistic but ambitious expectations. Allow your child to take responsibility for his or her own actions. Provide honest, positive feedback. Focus on the behavior or task that needs to be changed. These illustrate the types of suggestions that can enable parents and family members to focus on self-determination as an outcome pertinent to their son or daughter. Communicating high hopes and expectations may, in fact, be the most important thing we can do to support and enable families to, in turn, enable their son or daughter to become self-determined. Too frequently professionals paint a bleak picture of possible outcomes and, through that pessimism, limit the dreams and aspirations of families and individuals with disabilities. We need to engage with families in the dreaming and visioning process and to remove our personal biases and expectations from the equation. When, in fact, we can approach planning and decision making with a problem solving orientation, we may find that we are better able to support people to achieve outcomes that might, otherwise, be discarded as unrealistic or unattainable. There is an inevitable tension between the emergence of autonomy and independence on the part of any individual and the needs of his or her family for safety and protection, a tension that may be heightened by the presence of a disabling condition. However, professionals and others are often too quick to assume that legitimate family concerns about such issues are the primary barrier to self-determination, and fail to examine the role they play in maintaining a dependency creating system. Similarly, if students and adults with disabilities had an equal voice in decisions that impact their lives, families might see the possibilities of promoting self-determination. When self-determination is conceptualized, however, as a specific outcome e. Community Strategies What is the role of community attitudes, treatment and opportunities in supporting self-determination and self-direction? The community as a place where people live, learn, work and play is a critical contributor to enhanced self-determination, as was discussed previously. Communities that welcome and support all members, provide opportunities to experience control and express preferences, provide opportunities for meaningful vocational and non-vocational activities, provide inclusive educational opportunities and are designed to ensure physical and cognitive access are places in which all people can live self-determined lives. The community as a social and political network is equally important. The normalization movement of the 60s and the Independent Living movement of the 70s set the stage, in many ways, for the self-determination movement of the 80s by changing the way people with disabilities were perceived, indeed changing the broader understanding of the experience of disability, and changed societal expectations of Americans with disabilities from individuals who are pitied and worthy of charity to individuals with equal rights and the capacity to contribute to the greater good and to achieve self-sufficiency. That is why Americans with disabilities, like Robert Williams and Michael Kennedy, emphasize the sense that self-determination means living the American Dream. In Bengt Nirje issued a call for

DOWNLOAD PDF TRADING SELF-DETERMINATION FOR AUTONOMY OR ENHANCED SELF-GOVERNANCE

self-determination for people with mental retardation. Yet, at that time society and the political structure were not prepared to move on that call. When people with disabilities began, in the early s, to sound the same trumpet, it was within the context of a different perspective of disability. One of the four pillars of disability law in this country is that such policy and practice should support self-determination and self-sufficiency and not dependency and overprotection. While we, as a social community, have come far in changing attitudes and expectations, we have a long way yet to travel. Recommendations What are your priority recommendations for promoting the capacities of individuals to express self-determination and for assisting families and communities with supporting them? We need to better understand the development of self-determination in the lives of all children. In so doing we can more effectively organize instruction to promote enhanced capacity, more effectively design environments to promote opportunity, more efficiently fit supports and accommodations with individual needs, and better enable parents and family members to promote self-determination. The emergence of self-determination is a lifelong endeavor, and we need to do away with compartmentalizing self-determination as an educational versus adult issue. People with disabilities want, in fact demand, both the political freedom and authority afforded to all peoples in our society for self-governance and the opportunity to gain greater capacity and opportunity to self-direct their lives. There needs to be a seamless system from birth on that focuses on all three aspects of promoting self-determination; capacity enhancement, the provision of opportunities, and providing supports and accommodations. There is a significant need to learn more about the ways in which families and home environments contribute to self-determination. This knowledge must be framed within the context of a better understanding of development, as cited above, and within an educational system that emphasizes both individual empowerment and family empowerment.

Chapter 5 : Self-government | Definition of Self-government by Merriam-Webster

A person's rational capacity for self-governance or self-determination Autonomous principle Autonomous persons should be allowed to exercise their capacity for self-determination.

Chapter 6 : Holdings : Escaping the self-determination trap / | York University Libraries

Many experts agree that autonomy regimes are a useful framework within which competing claims to self-determination can be accommodated. This volume explores and analyses the different options available.

Chapter 7 : VII. Trading Self-Determination For Autonomy Or Enhanced Self-Governance Â» Brill Online

Legal Perspectives on the Rights â€œ Self-determination settlements can be divided into nine Trading self-determination for autonomy or enhanced local.