SELF-DETERMINATION: IDEA AND PRAGMATISM

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Abstract
The word self-determination is incorporated by the different people in their respective sense. Literally it is appear three general approach i.e. idealist, realist and radical. Each approach has its individual definition. In case of idealist approach have formed the central aspect of the peace, both because it is just in its own right and because it represents an essential guarantee of future peace. In realistic approach is not guilty of “double standard”, this approach not playing the universal application. Crucial question posed is whose claim is to be preferred, why and how? This question is finding from this article. On the other hand, the radical approach argues, is never the absentmindedly conceived slogan of an impractical idealist. The Charter of the U.N, UDHR and other UN various organs ensure the people as a right of self-determination. But to what extent it is ensure the people as their rights of self-determination? On the other hand, in national approach of self-determination slogan is depend on typically common history, attachment of a geographical place and a public culture that differentiates them from their neighbors like minority groups (especially immigrants i.e. Turkish immigrant in Germany). In order to ensure democracy self-determination is also required. Because there is about an apparent conceptual link between democracy and self-determination.

Introduction
The term ‘self-determination’ has been rightly associated in the popular mind with Woodrow Wilson, although, in fact, he cannot claim true paternity but only foster-fatherhood. In origin ‘a metaphor borrowed from the language of metaphysical speculation’; the expression gained political currency in Socialist circles from the turn of the century on, but it did not enter in to general vogue until about 1917. Popularization of the term even then owed more to the Bolsheviks than to Wilson, and in no small measure, Wilson’s espousal of the principle of self-determination as a central element of the peace was reactive to both Bolshevik initiatives and wartime exigencies. Nevertheless, the concept of self-determination as a principle of the “consent of the governed” had been embraced by Wilson much earlier (his own favored expression was “Self-government”) and he had referred to it in relation to the war as early as November 4, 1915.

Moreover, although he does not appear to have used the term “self-determination” publicly until February 11, 1918 (contrary to popular belief, the expression now here appears in his Fourteen Points), his address of May 27, 1916 and January 22, 1917, as well as his early wartime addresses, are shot through with the ideas which were later to be subsumed by him in the catch-all phrase ‘self-determination’. Thus, “every people”, he had said, “has a right to choose the sovereignty under which they shall live.”

And “no peace can last, or ought to last, which does not recognize and accept the principle that governments derive all their just powers from the consent of the governed, and that no right anywhere exists to hand peoples about from sovereignty to sovereignty as if they were property.” Such Wilsonian conception of ‘Self-determination’ may, obviously, be viewed in a myriad of ways, depending on the angle of the viewer.

However, three general perspectives appear to have dominated the literature—the idealist”, “realist and “radical” perspectives.

Idealist Approach
According to this conception, self-determination should indeed have formed the central aspect of the peace, both because it is just in its own right and because it represents an essential guarantee of future peace. As Nicolson claimed, it should have been applied “universally, integrally, forcefully, scientifically” instead of applying “double-standard (dilemma to favor one and disfavor another claimant)” diplomatic interest and policy. As
Wilson's personal "double-standard" in matters of self-determination have been noted as his unequal sympathies for different nationalities (Poles, Yugoslavs and Czechs, for example, were favored, while Germans, Austrians and Irish were not). The idealists all-time have overlooked other countervailing considerations that might equally be viewed as important matters of principle related to the stability and durability of the peace. Economic, strategic, and historic considerations could all be translated in to the language of principles, and the expert commissions themselves freely took these into account alongside ethnographic factor.

Realist Approach

The 'realist' is not guilty of "double-standard" fallacy. It sets out from the opposite premise: the concept of self-determination was not, and can never be, an ideal capable of universal application. It is in essence an impractical moralistic slogan with pernicious implications which should have been, but were not, properly through in advance. Lansing quoted—"it is apparent that the assumption that self-determination is a right inherent to mankind is a menace to peace in the world, because it excites false hopes and produces political unrest that may develop into open resistance to established authority."

Like the idealist, the 'realist' deplores the intrusion of domestic political considerations in to the question of whose claim to 'self-determination' is to be favored, but he does so on the basis of a different set of premises. Conceiving of self-determination as a moral imperative with universal applicability and unaware of the problematic nature of claims to self-determination, the idealist rejects any attempt by domestic pressure groups to interfere with the objective and just implementation of the ideal.

On the other hand, the 'realist' recognizes only too well that the 'self' is not a self-evident entity and that claims regarding self-determination are generally conflicting, so that the crucial question posed is whose claim is to be preferred, and how. That question, according to the 'realist', should be determined solely by reference to the objective 'national interest' and no scope should be allowed for internal political pressures favoring the interests of one or another of the claimant 'selves'. Permitting such pressures is deemed to be particularly invidious in a 'nation of nations'.

Radical Approach

Where the 'realist' sees (and regrets) 'legalism-moralism-idealism', the 'radical' sees (and deplores) the 'economic imperialism imperative' and the 'Open Door'. The 'radical' would argue, is never the absentmindedly conceived slogan of an impractical idealist; nor is it, as the idealists contend, a noble standard betrayed by it main flag bearer. Rather, it represents a conscious, eminently practical policy of extending State's economic domain by means of the orderly break up of political empires.

Self-Determination Under International Law

Near past and present stage of world politics demonstrates that a tentative set of criteria can and should be developed to resolve the conflicting claims revolving around the principles of 'territorial integrity', 'self-determination', and 'non-intervention'. The need for such criteria is immediate, for, as the era of colonialism has ended, claims to self-determination in non-colonial situations are likely to increase both in number and intensity. And it may not be wise for the world community to reject all such claims to self-determination (within all independent states) as it has done in the past. For internal conflicts whose basis is a desire for self-determination may pose a major threat in the future to international peace and security. Article 1(2) and 55 of the U.N. Charter refers to self-determination as a principle. Although Universal Declaration of Human Rights is silent on the subject, both the international covenants—the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights adopted by the General Assembly in 1966- provide in identical language that: 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."
1960, the Declaration on the Granting of Independence to Colonial Countries and peoples acknowledged the 'right' of 'all peoples' to self-determination. The General Assembly unanimously declared that all peoples have the right to determine their political, economic, social and cultural destiny without any external interference. Concomitantly, it urged all states to promote the principle of 'self-determination of peoples—'.

**Self-Determination and Independence**

If self-determination refers to 'the freedom of a people to choose their own government and institutions and to control their own resources,' there seems to be a striking contradiction between the right of "all people's" to self-determination and the right of a state to its 'territorial integrity', the later precluding secession. Commenting on this conflict, Professor Rupert Emerson has written that, "the room left for self-determination in the sense of the attainment of independence statehood is very slight, with the great current exception of decolonization." The past and present United Nations practice supports Professor Emerson's conclusion. Many instances could be cited where the world community has ignored claim for self-determination. The reason for the United nations reluctance to acknowledge the right of self-determination in non-colonial situation is succinctly stated by Professor Van Dyke: "—the United Nations would be in an extremely difficult position if it were to interpret the right of self-determination in such a way as to invite on justify attacks on the territorial integrity of its own members." But according to international law claiming the status and equality through right of self-determination is acknowledged as " a decent Respect to the Opinions of Mankind." Jefferson’s clear statement regarding this is succinct and cogent: " it is right of every nation to prohibit act of sovereignty from being exercised by any other within its limits; and the duty of a neutral nation to prohibit such as would injure one of the warring powers."

Obviously self-determination has given a contradicting meaning where one party advocates on favor of it, other disfavor it. If the right to self-determination is to be made an operative one under international law and as orderly one within the confines on an organized international society, an essential condition is surely that the people on territories to which it applies are demarcated with at least reasonable clarity; but all commentators on self-determination have pointed out that neither 'people' nor 'Nation' has any generally accepted meaning which can be applied to the diverse world of political and social reality. To the central problem of identifying the 'self', which is to do the 'determining' one must add the further question: what, when and how will it determine. As Verzijl observes, "not only does the asserted right (of self-determination) lack a specified and event specifiable holder, but as substantive contents and the extent of its possible operation are also floating in the air." In the new dispensation, precisely the condition which was held to justify self-determination in the earlier period, i.e., that ethnically different peoples were subjected to alien rule, is now wholly are unacceptable as a justification once the colonial territory ahs achieved its independence.

Once the newly created or newly independent State is in existence, no resort to further self-determination is tolerable. Why it appear inevitable that demands for a right to determine their own separate destinies will be made by 'people' embraced within the heterogeneous politics of the third world, as well as of the first and second, there can be present assurance that the international community will give them, or some defined portion of them, the kind of blessing which it has given the earlier colonial people.

Although there may be a substantial number of common issues like racial discrimination ethnic minority etc, a different set of problems appears when the people or territory under consideration is not independent. Of the many varieties of lack of independence, two main types must be distinguished: a people who occupy and lay claim to a reasonably well defined territory which might be separated from the state of which it forms a part, such as Nagaland, and a people intermingled with the dominant majority people, such as the Blacks in the U.S.A. where
there is such intermingling, no form of self-determination, short of mass migration, can be invoked to satisfy such demands as the minority community may make for recognition of its separate identity and its human rights.

In these circumstances, the aim must be to achieve non-discriminatory acceptance in to the general citizenry with, perhaps if it is desired and proves negotiable, such as admixture of minority rights as will work to preserve the distinctiveness of the community resolved. Again where it involves the emergence of new States on the World scene on the reshaping of old ones, self-determination is obviously a matter of legitimate international concern. As Roger Fisher observes: “independence and political freedom are too important to be confined by sharp categories. Self-determination is not a single choice to be made in a single day. It is the right of a group to adopt their political position in a complicated world to reflect changing capabilities and changing opportunities.” The problem, to which no satisfactory answer has as yet been produced, is how one sets about regularizing and bringing under international control the self-determination sometimes as essentially a right of revolution, justified by an appeal to principles of higher law. That the overwhelming U.N. majority has accepted it as substantively a right of revolution appears to be confirmed by the repeated Assembly injunction that all States should provide moral and material assistance to the struggle for independence of the national liberation movements, some of which are carrying on open warfare. Self-determination has from time to time been referred to as the right of the winner in a Darwinian conflict for survival. Up to now the success or failure of an attempt at self-determination represented no special merit or lack of it but, in success, good fortune and effective strength, including external assistance, or, in failure, bad fortune and the lack of the force needed to put it across.

**Self-Determination and Nationalism**

A nation is a group of people who recognize one another as belonging to the same community, who acknowledge special obligations to one another, and who aspire to political autonomy—this by virtue of characteristics that they believe they share, typically a common history, attachment to a geographical place, and a public culture that differentiates them from their neighbors. If, with this definition in mind, we look inside those entities popularly described as ‘nation-state’ we can find some combination of the following: (a) minority groups (especially immigrants) who do not see themselves as sharing in the national identity of the majority (e.g. Turkish immigrants in Germany); (b) regionally gathered minorities who see themselves as forming a separate nation and who aspire to a greater or lesser degree of autonomy (e.g. Kurds in Turkey); (c) regions with intermingled populations identifying with different adjacent nations (e.g. Rumanians and Hungarians in Transylvania); (d) regions in which a substantial part of the population bear a dual or ‘nested’ identity as members of a national minority within a larger nation (e.g. Catalans in Spain). It is natural that where the inhabitants of a territory form a national community, they have a good claim to political self-determination, as the nationalism is a result not of historic exploitation but of cultural developments that make them to have greater control over what happens in their particular territory. If nationality appeals to self-determination, then two criteria should be applied - first, is that the group should form a nation with an identity that is clearly separated from that of the larger nation from which they wish to disengage. The second is that the group should be able to validate its claim to exercise authority over the territory it wishes to occupy. These criteria can’t be applied mechanically or by counting heads; their application requires judgment and a degree of historical understanding.

**Self-Determination and Democracy**

This issue is raised partly by two dominant political processes since the late 1980s: (i) the wave toward democratization in Central and Eastern Europe, including the former Soviet Union, as well as parts of Latin America and sub-Saharan Africa; and (ii) the wave of self-determination movements which has resulted in the formation of more than twenty new States, particularly in
Eastern and Central Europe. The fact that the two political processes have occurred roughly at the sometime raises the question whether the spread of democracy and self-determination (secessionist) movements are discrete and unrelated phenomena, or whether there are important underlying links between the two.

There is about an apparent conceptual link between democracy and self-determination. Democracy is often viewed as *internal* self-determination, and secession as *external* self-determination, that is, as the right of a people to govern itself, rather than be governed by another people. On this view, democratization means that the people are to rule, and ‘the people’ can be interpreted either in statistic terms, i.e. as the people who resident within the boundaries of the political unit, or in ethnic terms, i.e. as the people who are members of the nation. Philpott’s view is, democracy and right to self-determination are very closely related: both are derived from the value of autonomy.34

On this conception, the value of autonomy grounds the case for democratic governance and for a plebiscitary right to secede. However, Buchanan35 argues against this, in part because of the difficulty of moving from a principle giving value to individual autonomy to a collective (majoritarian) right such as democratic governance or a majoritarian plebiscite on secession. He also develops another argument based on Hirsch Mann’s analysis in *Exit, Voice and Loyalty*, which suggested that too easy a right of exit (secession) would secede by majority vote, would deal a serious blow to reasonably just democracies. To this point Horowitz36 and MaGarry37 suggested that democracy generally presupposes the legitimacy of majority rule, where as in nationally divided societies, part of the difficulty is the majority-minority relations.

Present Self-Determination

This issue is of pressing importance. Between 1974 and 1991, only one instance of secession occurred (Bangladesh). In that period, the superpowers were committed to upholding existing state boundaries, and they encouraged the development of international law and practice in which borders were viewed as permanent—not negotiable- features of the international state system. Since, 1991, numerous multinational states have disintegrated along national lines—the Soviet Union, Yugoslavia, Czechoslovakia, Ethiopia—and the process may not have exhausted itself yet, as many of the success or states are as multinational as the states they left behind. Nor is this limited to former communist countries. They are numerous secessionist struggles across the globe: in the First World (e.g. Quebec, Northern Ireland, Flanders, Catalonia, the Spanish Basque country, Israel/Palestine); and in the Third World (e.g. Sudan, Sri Lanka, Kashmir and Punjab, and the Kurdish regions of Iraq and Turkey). Self-determination movements are springing up in imitative abandon. In Europe alone more lives have been lost in independence struggles during the past five years than in all of its wars during the previous forty-five. Self-determination is resurgent—and violent—elsewhere, too. But the mimicry is not always bloody. Of the fifteen independent states that emerged from the former Soviet Union, most have remained at peace. Slovakia departed from the Czech Republic without war, and Quebec’s struggle over secession, despite its bitter words and messy procedures—that is, politics—has remained peaceful and relatively democratic. Elsewhere still, self-determination draws blood, but not so much in its pursuit as in its denial: witness represions on Kashmir and Iraqi Kurds’ quest for autonomy.

Conclusion with Suggestion

However it is desirable that the United Nations be empowered to play a larger role in relation to the always hazardous issue of self-determination, granted—which is not necessarily self-evident—that to do so would be to ease rather than to intensify international tensions and to promote human well being. The realistic issue is still not whether a people is qualified for and deserves the right to determine its own destiny but whether it has the political strength, which may well mean the military force, to validate its claim. Have states and people evolved sufficiently to be prepared to accept the substitution of
international decision, on at best of international intervention and good offices, for the old established trial by battle?38 Another question is whether, in a world in which self-determination does exist, might in situations on balance channel some of them in the direction of justice? Would institutions make the problem better or worse? Ultimately the answer will be an unsatisfying one. But a couple of important implications must be existed for future. First, legalizing a moral right to self-determination that does not depend on threat and grievance, but one that is amply qualified to be sure, is far from an inevitable moral disaster, and, quite possibly could make the world more just than it otherwise would be. Second, whether a legal right is beneficial depends on human choices. For instance, if the UN Security Council were to begin enforcing just self-determination, it would be wise to construct the right strictly, supporting only the clearest cases, shying from the ambiguous ones, so as to avoid encouraging movements whose claims are morally mixed. As it is argued, a constitution with high procedural hurdles would allow only the most popular separatist movements; such designs ought to be encouraged.

NOTES

1. Arnold J. Toynbee, “Self-Determination”, THE QUARTERLY REV. (London), No. 484, at 318 (1923). The language from which it was borrowed German, and the term used was ‘Selbstbestimmungsrecht’.


3. The Bolshevik slogan was: “Peace without annexations and indemnities on the basis of the Self-Determination of peoples.” The first official statement of war aims to employ the term “Self-Determination” was made by the Russian Provisional Government on April 9, 1917, apparently as a result of Soviet pressures. ARNO J. MAYER, POLITICAL ORIGINS OF THE NEW DIPLOMACY 1917-1918, at 75 (1959).


6. In that address he emphasized America’s belief in ‘the right of every people to choose their own allegiance and before of masters altogether.” RAY STANNARD BAKER AND WILLIAM DODD (eds), THE NEW DEMOCRACY: PRESIDENTIAL MESSAGES, ADDRESSES, AND OTHER PAPERS, 389 (1926).

7. RAY STANNARD BAKER AND WILLIAM DODD (eds), THE NEW DEMOCRACY: PRESIDENTIAL MESSAGES, ADDRESSES, AND OTHER PAPERS, 187 (1926).

8. RAY STANNARD BAKER AND WILLIAM DODD (eds), THE NEW DEMOCRACY: PRESIDENTIAL MESSAGES, ADDRESSES, AND OTHER PAPERS, 414 (1926).

10. HAROLD NICOLSON, PEACEMAKING 1919, at 70 (1933)


12. BAKER AND DODD, WAR AND PEACE, 29, at 35 and 37; and HOUSE AND SEYMOUR (eds), “WHAT REALLY HAPPENED AT PARIS”, note 40, at 460 (1921).

13. Robert Lansing, “Self-Determination”, SATURDAY EVENING POST, April 9, 1921, at 6-7, 101-02

14. One of the U.N. purposes noted in Art. 1(2) is to “develop friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace———.”

15. Article 55 reads in part: “with a view to the creation of conditions of stability and well-being which are necessary for peace and friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples the United Nations shall promote———.”


17. General Assembly Res. 1564, 15 G.A.O.R., supp. 16, U.N. Doc. A/4684, at 66 (1960). However, the Declaration had stressed respect for the territorial integrity and the national unity of a country by adding that: any attempt aimed at the partial or total disruption of the national unity and that territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.”


25. “The more strictly the people to whom it is to be applied are defined, the more possible it is to classify self-determination as a right which can be stated with reasonable precision and given institutional expression.” Harold S. Johnson, Self-Determination within the Community of Nations, 55 (Leiden, 1967).


