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Self-determination as a Collective Capability: The Case of Indigenous Peoples

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ABSTRACT *The article explores the idea of self-determination as a collective capability that enhances the freedom and well-being of indigenous peoples in colonial settler states. Collective capabilities have not attracted much attention in the literature to date, but the article sets out to demonstrate that the collective capability for self-determination is precisely the sort of freedom Amartya Sen describes as both the primary objective and the principle means of development. Two ideas lie at the core of the argument: the necessary interdependence that exists between the individual and the collective capability for political self-determination; and the intrinsic, instrumental and constructive value of collective political empowerment in the developmental process. To bolster the theoretical argument, the article examines some of the available evidence linking self-determination with concrete improvements in the social and economic welfare and well-being of indigenous peoples in different regions of the globe.*

KEYWORDS: Capabilities, Collective capabilities, Democracy, Multinational democracy, Development, Self-determination, Quality of life, Well-being, Indigenous, Aboriginal, Nussbaum, Sen

Introduction

Inspired by the pioneering work of Amartya Sen and Martha Nussbaum, a host of scholars from different disciplinary backgrounds have adopted the capabilities approach as a tool for conceptualizing the relationship between human freedom and well-being, and for giving concrete expression to that relationship in a wide range of development programs and policies. In this article, however, I take up an issue that has not attracted a great deal of attention in the capabilities literature to date—the idea of self-determination as a collective capability that enhances the freedom and well-being of indigenous peoples in colonial settler states. It is open to question whether Sen or Nussbaum would support this particular application of the capabilities approach, because their own scholarship, like much of the work they have inspired, focuses exclusively on the development of individual capabilities (see, for example, Schlosberg and Carruthers 2010, 17–23). On the other hand, both authors have applied the capabilities approach to the circumstances of disadvantaged sub-groups in society, including women and racial minorities (Sen 1999a, 22–24; Nussbaum 2000). Both also emphasize the need to respect diversity and the right of local communities to determine for themselves the capabilities they consider most valuable and worthy of support. Moreover, Sen at least is open to the idea of collective capabilities, although he offers no real guidance as to whether collective self-determination is the kind of thing that might fall into this category (Sen 2002, 85). Regardless, I will argue that the collective capability for political self-determination is not only compatible with the capabilities approach, but is in an idea

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that it cannot do without. I offer this argument both as a contribution to the capabilities literature, but also (and in my view more importantly) as a means of highlighting the concrete value of indigenous self-determination as a source of development and human well-being.

To make this argument I begin with a brief overview and analysis of the capabilities approach, focusing mostly on the work of Sen, and rather more briefly on some of the key ideas developed by Nussbaum. Next, I introduce the idea of political self-determination as both an individual and a collective capability. Particular attention is devoted to the interdependence that exists between the individual and the collective capability for political self-determination, and the special significance of this interdependence in relation to the circumstances of indigenous peoples. This section also explores the relationship between self-determination and democracy, and what Sen describes as the intrinsic, instrumental and constructive value of democratic freedoms in the developmental process. Here I argue that the capabilities approach must embrace a multinational model of democracy that taps into the developmental value of both individual and communal forms of democratic empowerment. The third section of the paper explores the developmental value of self-determination as a collective capability, and looks at some of the available evidence linking self-determination with concrete improvements in the social and economic welfare and well-being of indigenous peoples around the globe. The final section offers a brief conclusion.

The Capabilities Approach

Sen's work on capabilities was inspired by his dissatisfaction with the overly narrow focus in development theory on economic growth and per-capita income as the key indicators of societal development and individual quality of life. His own view is that growth and income are both essential components of the development equation, but on their own they are an inadequate measure of the ability of different individuals to meet their basic needs or to achieve a high quality of life (Sen 1999a, 3–11). Sen identifies a wide variety of alternative factors that can significantly impact the freedom and well-being enjoyed by different individuals. These include personal factors such as age, gender, health, and physical and mental capacity that place certain individuals at a disadvantage when it comes to translating a certain level of income into genuine opportunities and a higher quality of life. Environmental diversities, for example climatic differences that impact the cost of living, the presence or absence of environmental pollutants and serious diseases, and environmental uncertainties such as the chronic threat of drought or flooding can also have a major impact on quality of life regardless of income levels. Variations in social climate, including the strength of the rule of law and guarantees for human security, the availability and quality of key social institutions (e.g. schools, healthcare facilities, public media, cultural and recreational facilities), and the presence or absence of oppressive prejudices or social norms (e.g. racial, gender or caste based discrimination), are also relevant. For example, individuals with an abundance of economic resources may still find their freedom and well-being restricted in a society that lacks adequate educational and healthcare facilities and public infrastructure, and where the rule of law is weak and violence is prevalent. Lastly, Sen places significant emphasis on what might be called variations in political climate and the debilitating and dehumanizing effects of tyranny and the failure to respect individual civil and political rights (Sen 1999a, 70–74; 1999b, 92–96; 2001a, 507; 2003a, 36). Summarizing these various factors, Sen concludes:

While economic prosperity helps people to lead freer and more fulfilling lives, so do more education, health care, medical attention, and other factors that causally influence the effective freedoms that people actually enjoy. These “social developments” must directly count as “developmental”, since they help us to lead longer, freer, and more fruitful lives ... (Sen 2003a, 36)

A fairer and more effective approach to measuring development and designing development policies must broaden what Sen calls its informational base so as to account for this wider range of variables that affect the freedom of different individuals “to achieve well-being” (Sen 1992, 49; 1999a, XX). So rather than focusing more narrowly on income and wealth, which represent only different *means* of achieving

freedom, Sen focuses instead on freedom itself, and on determining the *extent* to which different individuals enjoy real alternatives to make a good life for themselves (Sen 1992, 8–9, 33–38 and 49). Sen refers to this as an individual’s substantive freedom to choose and realize a life that she herself has reason to value—or, more technically, her capability to achieve different valuable human functionings (Sen 1992, xi, 4–5 and 49; 1993, 31; 2001a, 506). Functionings are defined as “the various things a person may value being or doing” in life (Comim, Qizilbash, and Alkire 2008, 2; cf. Nussbaum and Sen 1993, 3). Examples include being happy, being adequately nourished and sheltered, being well-educated, being in good health, being free from violence and intimidation, participating in community life, being gainfully employed, and having self-respect (Sen 1985b, 1992, 44–45). Capability, in turn, is defined in relation to:

the various alternative combinations of functionings, any one of which (any combination, that is) [a] person can choose to have. In this sense, the capability of a person corresponds to the *freedom* that a person has to lead one kind of life or another. (Nussbaum and Sen 1993, 3; cf. Sen 1985a, 10, 20–21, 51 and 71; 1992, 39–40 and 49; 2003a, 5)

Development policy should therefore be focused on capability expansion, which is essentially a process of increasing “the command that people have over their lives” (Sen 1996, 188). The idea of development as capability expansion embraces a richly substantive conception of freedom that requires both significant safeguards for liberty and human security (via respect for the rule of law and basic civil and political rights), but also a host of positive state measures to ensure that individuals have access to the necessary resources, institutional supports, and physical and social environments necessary to the actual exercise of their powers of human agency (Sen 1999a, 3 and 35–53; Nussbaum 2008, 601–602). Capability expansion plays both an intrinsic and an instrumental role in development. In the intrinsic sense, the capability to be healthy, educated, gainfully employed, and secure in one’s person—all of these things are good in themselves, which is to say that they are partly constitutive of individual freedom and well-being. In the instrumental sense, sticking with the example of better health and education, capability expansion plays a crucial role in generating increased productivity, economic growth and personal wealth—in this case by increasing the employment (and income) potential of individuals and by helping to create a more productive and skilled workforce (Sen 1992, 49–52 and 150–151; 1997, 542; 2001a, 509–512; 2003a, 36).¹ While this is just one simple example, the broader import of Sen’s analysis speaks to the interdependent and mutually reinforcing nature of a broad range of individual capabilities and to the indispensable role of freedom in the process of development. As he concludes:

What a person has the actual capability to achieve is influenced by economic opportunities, political liberties, social facilities, and the enabling conditions of good health, basic education, and the encouragement and cultivation of initiatives. These opportunities are, to a great extent, mutually complementary and tend to reinforce the reach and use of one another. It is because of these interconnections that free and sustainable human agency emerges as a generally effectual engine of development. (Sen 2001a, 507)

Self-determination as an Individual and a Collective Capability

One of the most valuable individual capabilities, according to Sen, is the capability for political self-determination—what Nussbaum usefully refers to as control over one’s political environment, or being able to participate effectively in political choices that govern one’s life (Nussbaum 2008, 605; Sen 2002, 79).² To the best of my knowledge, neither Sen nor Nussbaum explicitly invokes the concept of individual political self-determination, but this is undoubtedly what both theorists have in mind when they discuss the developmental centrality of the core democratic rights and freedoms. These include both the direct democratic freedoms, the most important of which are the freedom to choose how and by whom one is to be governed and the capability to hold representatives accountable

for their decisions, as well as the indirect democratic freedoms that support and augment the democratic process, including freedom of association, freedom of speech and assembly, freedom from arbitrary arrest and detention, and the like (Nussbaum 2008, 605; Sen 1999a, 38).

Sen in particular emphasizes the developmental value of democracy and the freedoms that constitute individual political self-determination; indeed, he insists “that the development of human capabilities cannot fully happen without democratic freedom” (Sen 2002, 79). Democracy has an intrinsic, instrumental and constructive value in the developmental context (Sen 1999a, 148–154). In intrinsic terms, to be capable of individual political self-determination is part of what it means to be capable of living a free and fulfilling human life, which is to say that democratic freedoms are partly constitutive of individual well-being (Sen 1999a, 36–37; 2001b, 11). As Sen observes: “Human beings live and interact in societies, and are, in fact, societal creatures. It is not surprising that they cannot fully flourish without participating in political and social affairs, and without being effectively involved in joint decision making” (2002, 79). Democracy’s instrumental value lies in the capacity of self-determining citizens to hold governments accountable for their decisions, and to provide decision-makers with the necessary incentives to address their needs, economic or otherwise. For example, although Sen acknowledges that there is no necessary connection between democracy and economic growth, he nevertheless cites evidence of a positive relationship between democratic rights and freedoms and what he calls economic security (Sen 1999b, 92–93 and 95–96; 2001b, 11).³ In perhaps his most famous example, he cites the fact that there has never been a major famine in any democratic country with regular polls, opposition parties and free media. The explanation is that democratic governments, regardless of the nature and degree of the challenges they face with poverty or resource scarcity, are confronted with pressures and incentives to address these impending disasters that non-democratic government are not (Sen 1999b, 92–93; 2001a, 507; 2009, 342–345).⁴ In related fashion, democracy has a constructive value that speaks to the role of democratic institutions and democratic freedoms (e.g. freedom of speech) in providing governments with more accurate and timely information about the needs and priorities of their citizens, which together with democratic debate and dialogue helps to produce more appropriate and effective public policies (Sen 1999b, 95–96; 2001b, 11).

Understanding the developmental value of individual democratic empowerment is also, in my view, the key to understanding the developmental potential of the collective capability for self-determination. In order to make this argument, however, I first need to explain what is meant by a collective capability. The literature exploring the idea of collective capabilities is anything but vast, but a handful of studies have emerged exploring the relevance of this concept for civil society associations (e.g. unions, women’s groups, political parties), self-help collectives, and groups marginalized on the basis of class and ethnicity (Evans 2003; Stewart 2005; Ibrahim 2006; Deneulin 2008). A somewhat smaller group of researchers has explored the relevance of collective capabilities in the case of indigenous peoples, and within this subset of the literature an even smaller group again has taken up the specific question of indigenous self-determination as a collective capability (Iverson 2002; Gigler 2005; Panzironi 2009; Schlosberg and Carruthers 2010; Binder and Binder 2012). In terms of a general definition of collective capabilities, a number of competing options are available, but the most useful for present purposes is one alluded to (but not fully developed) by Sen himself: that of a freedom which is only available to, and exercisable by, individual human agents working together as part of a group or collective (Sen 2002, 85; cf. Evans 2003, 56; Ibrahim 2006, 398 and 404; Foster and Handy 2009, 370). In other words, a collective capability is a freedom whose nature “requires that it be sought in common” (Taylor 1994, 59).⁵

Conceived of in these terms, the collective capability for self-determination is a freedom that can only be realized in common by the members of a distinct political community, working together within shared political institutions to determine the laws and policies that will shape their individual and collective futures. Without delving too far into the details, the collective capability for self-determination encompasses the freedom to determine the character and boundaries of the political community itself, including the criteria for membership and political participation; the freedom to establish institutional mechanisms of collective deliberation and decision-making; and, perhaps most importantly of all, the

freedom to make decisions as a community in the absence of external interference or domination. There is nothing especially radical or revolutionary about this claim, for each of the freedoms comprising the collective capability for self-determination is already within the possession of peoples who control sovereign democratic states. Which is to say that state sovereignty is the protective vessel that houses freely self-determining political communities in the modern world, and it is primarily within these communities that democracy and the capability for individual political self-determination is realized. In this way, one can see that there is a necessary interdependence between freedom as the capability for individual self-determination and freedom as the capability for collective self-determination (see, for example, Philpott 1995).⁶ The reality, of course, is that most indigenous peoples are seeking forms of self-determination that fall well short of independent statehood, but regardless of the specific form in which the collective capability for self-determination is institutionalized (and the options available are numerous), what remains common in all cases is the freedom it confers upon peoples to make their own decisions about matters of community policy rather than having those decisions made for them by others.⁷

The collective capability for self-determination is, in fact, an idea on which both Sen and Nussbaum are heavily dependent, even though neither of them explicitly acknowledges this fact—quite to the contrary, they spend all of their time discussing the developmental significance of individual political self-determination. Nevertheless, they cannot but assume this individual capability is to be realized within a freely self-determining political community, for it is simply illusory to speak of having meaningful control over one's political environment within a political system imposed by and largely under the control of some external authority. Yet this is precisely the situation faced by most of the world's indigenous peoples, who have seen their collective capability for self-determination drastically restricted, if not effectively eliminated, as a consequence of colonization and modern state-building (Diaz Polanco 1997, 3–80; Kymlicka 2001a, 16–24). Policies aimed at undermining collective forms of indigenous self-determination assumed a remarkably similar form in different regions of the globe, and included state control over indigenous identity, the displacement of indigenous communities and the appropriation of their collective land holdings, the suppression of indigenous systems of law and governance, and programs to civilize and assimilate indigenous peoples via the eradication of their distinctive languages, cultures and modes of economic activity.⁸

Granted, in many countries the harshest of these measures have long been discredited and discontinued, and with the onset of democratization indigenous peoples have generally (if often belatedly) been accorded their individual civil and political rights. Nevertheless, democratization did not necessarily bring an end to the political domination of indigenous peoples. To begin with, in most democracies indigenous peoples continued to be deemed too uncivilized for the franchise long after it had been granted to other citizens; and when they were eventually judged fit for inclusion, this came with the expectation that they would shed their distinctive identities and cultures and assimilate into the wider society (Van Cott 2007, 129–130; Murphy 2008, 187–196). An even more fundamental problem is that democratization in its conventional sense is predicated on a liberal-universalist model of citizenship, wherein the ultimate objective is to establish and consolidate a single politically undifferentiated community of equal rights-bearing individuals. To argue that indigenous peoples are entirely free within this conventional democratic model is to ignore two inconvenient facts: first, that indigenous communities have generally been incorporated into modern democratic states without their consent; and second, that this coercive process of incorporation has come at the expense of their own collective forms of self-rule (see, for example, Tully 1995, 2000). True, indigenous citizens do gain a measure of individual political self-determination in the form of their civil and political rights, but these rights are granted within an institutionalized system of collective democratic decision-making whose formal architecture and guiding principles have largely been determined by others—a system wherein their position as a small and politically marginalized minority translates into a very limited capacity to influence institutional design or policy-making or to hold governments accountable for their decisions (see, for example, Pettit 2000).⁹

In its present configuration, the capabilities approach as developed by Sen and Nussbaum is incapable of addressing this particular aspect of unfreedom that characterizes the situation of so many of the

world's indigenous peoples. To remedy this situation, two interconnected modifications to the core assumptions of this approach are necessary. First, a fair and effective developmental strategy must attend to both the individual and the collective freedoms which together comprise the capability for control over one's political environment. For disempowered and politically marginalized individuals, this entails measures to enhance their capability for individual political self-determination *vis-à-vis* the more politically dominant members of society. For colonized and politically subjugated minorities, this entails measures to enhance their collective capability for political self-determination *vis-à-vis* the more dominant peoples with whom they share a state. These measures could include anything from control over a particular policy sector (e.g. health or education), an equal and effective voice on resource co-management bodies, or full-blown self-government on a land base—depending on the particular needs, capacities and governance objectives of the indigenous people in question. Second, whatever the resulting institutional configuration, to embrace the collective capability for self-determination upon which it is predicated is to embrace a very different model of democracy and democratization, one that is comfortable with the idea of multiple peoples co-existing within the bounds of a single democratic state, each exercising a degree of autonomy over their own affairs, and whose members will be regarded both as citizens of the state and as citizens of their respective communities at the sub-state level. Within this alternative model of multinational democracy, indigenous peoples (and other subordinated national minorities) can exercise their individual capability for self-determination by participating in the political affairs of their own community or those of the wider society, and they can exercise their collective capability for self-determination by coming together within their own institutions of communal deliberation and decision-making to determine for themselves the policies and priorities most conducive to the freedom and well-being of their individual members.¹⁰

With these modifications in place, the capabilities approach is in a much better position to respond to the specific issue of indigenous domination, and to the broader challenge of ensuring that dominant and non-dominant peoples in multinational states can both enjoy a collective capability for self-determination. In my view, this anti-domination imperative is a good enough reason in itself to support this more expansive interpretation of the capabilities approach, but in the next section of the paper I will argue further that measures to enhance the collective capability for self-determination enjoyed by indigenous peoples also have a significant developmental potential. In making this argument I will appeal to the same inherent, instrumental and constructive values Sen associates with the individual capability for self-determination. I will also discuss some of the available evidence of improved developmental outcomes associated with different experiments with indigenous self-determination in various jurisdictions around the globe.

The Value of Self-determination as a Collective Capability

The sheer tenacity with which indigenous peoples worldwide have been struggling to make self-determination a reality in their communities is itself some of the clearest evidence of the value they themselves attach to this collective capability. The struggle for indigenous self-determination is a genuinely global phenomenon that is playing itself out on domestic stages across North, Central and South America, Scandinavia, Oceania, Asia and the circumpolar north, as well as in key international forums such as the United Nations and the Inter-American human rights system (see, for example, Niezen 2003; Couso, Huneeus, and Sieder 2010). The breadth and intensity of this struggle should come as no surprise to anyone who recognizes the intrinsic value of freedom and the desire to be liberated from external control and domination. As Kral and Idlout conclude, drawing on the experience of Inuit in the Canadian arctic: “It is a basic collective human need to have self-determination, and we have learned much about this from world history when this need has been taken away from a people” (2009, 327). Indeed, the collective capability for self-determination encompasses some of the most basic human freedoms whose value is taken for granted by citizens of democracies worldwide. These include the freedom to shape one's own identity as a political community, the freedom to choose modes of leadership and representation that reflect the community's own conception of political

legitimacy, the freedom to develop processes of communal deliberation and political decision-making that reflect one's own language and cultural norms, and the freedom to make laws and policies that best reflect the values and priorities of the members of one's own community.

Sen himself makes much of the importance of respecting human diversity and democratic choice by insisting that local communities remain free to determine which capabilities they deem valuable, rather than being expected to embrace some predetermined universal list of capabilities (Sen 2003b, 171–173).¹¹ The collective capability for self-determination provides just such a democratic space within which indigenous peoples can make choices regarding the capabilities they themselves have reason to value, and which they may therefore wish to promote and support within their communities.¹² For example, self-determination in the area of education policy offers indigenous communities the freedom to provide learning opportunities that support the capability of their members to live, work and participate politically in their own language—opportunities they most probably would never enjoy in the wider society. Alternatively, and with reference to one of Nussbaum's core capabilities, territorial forms of self-determination carve out a space wherein indigenous communities can develop resource sustainability models that protect and promote the capability of their members “to live with concern for and in relation to animals, plants, and the world of nature” in a way that reflects their own distinctive cultures and traditions.¹³ Indigenous communities exercising self-determination on a land base would also be free to implement distinctive property regimes containing provisions for both individual and communal forms of ownership. A community might seek to exercise this freedom in support of what Nussbaum calls the capability for “control over one's material environment”—but in such a way that it could be enjoyed both by the individual members of the community (by granting them greater control over economic resources) and by the community as a whole (by preserving the communal land base for future generations).¹⁴

Like the capability for individual self-determination, the capability for collective self-determination is partly constitutive of the freedom and well-being of communities and their individual members. To deny peoples this freedom is to devalue and degrade their humanity, which is deplorable enough in itself but it can also have serious consequences for the physical and psychological well-being of individuals and even entire communities. Peter Penashue, former president of the Labrador Innu Nation, speaks very frankly about the costs of outside domination amongst his own people: “... we have learned now that when people are oppressed, when people are not involved in determining the direction of their own lives, they are deeply damaged” (Penashue 2001, 29). Such is the legacy of colonial policies of assimilation, dispossession and political subjugation, which have inflicted severe and enduring damage to the social fabric of indigenous societies worldwide. One of their more destructive effects has been the sense of powerlessness, dependency and despair they have helped to cultivate amongst so many members of these communities (Kirmayer, Simpson, and Cargo 2003, S18; Alfred 2005, 114, 164 and 278; Pearson 1999; Kral et al. 2009, 297; Tiessen, Taylor, and Kirmayer 2009, 242). This diminished sense of psychological well-being has in turn been linked to a range of destructive and self-perpetuating social pathologies, including elevated levels of substance abuse, increased incidences of family violence and sexual assault, and higher rates of suicide and other mental health problems (Canada, Royal Commission on Aboriginal Peoples 1995, 1996, vol. 3; Chandler and Lalonde 1998, 194; Hunter and Harvey 2002; Hallet, Chandler, and Lalonde 2007, 394; Kirmayer, Tait, and Simpson 2009, 6–19).¹⁵ Evidence suggests that colonial policies and their contemporary echoes have also contributed heavily to the social and economic marginalization of indigenous peoples, and to the significant gap in quality of life that exists between indigenous and non-indigenous communities in virtually every region of the globe. In concrete terms, this means higher levels of poverty, overcrowded and substandard housing, communities lacking in adequate infrastructure and access to essential services, poorer health outcomes and premature mortality, chronic unemployment and underemployment, and lower levels of educational attainment (Eversole 2005; Ohenjo et al. 2006; Salée 2006, 17–18; Anderson et al. 2006; Stephens et al. 2006; Cooke et al. 2007; Patrinas and Skoufias 2007).

For indigenous communities, the task of recovering from these social and economic ills is daunting, but there is some hope that regaining a measure of collective self-determination may be at least part of

the solution. This hope is frequently expressed by indigenous leaders such as (then) grand chief Joseph Gosnell of the Nisga'a First Nation, who described the self-government treaty between his people and the governments of Canada and British Columbia as:

A triumph because, under the Treaty, we will no longer be wards of the state, no longer beggars in our own lands ... A triumph that signals ... the end of more than a century of humiliation, degradation and despair.(Gosnell 1998, 10,859)¹⁶

For Gosnell and others directly involved in the struggle for indigenous self-determination, the truth of this statement probably seems self-evident, but there is also an emerging body of research that provides some evidence to this effect. This evidence comes in two different varieties. The first variety, which speaks to the intrinsic value of self-determination, suggests that with an increase in a community's capability for collective control comes an increased sense of communal self-mastery, which in turn has beneficial effects on the psychological well-being of individual community members. Some of the most compelling research of this kind has been conducted in the Canadian province of British Columbia. Researchers there have demonstrated that indigenous communities which have secured a degree of self-government and local control over community services, and which are actively engaged in the defense of their territorial rights and the revitalization of their traditional cultures, experience low to non-existent rates of youth suicide, whereas communities that have achieved little progress in these areas experience drastically increased levels of youth suicide. What this suggests to the researchers is that youths living in communities which have made progress in the area of self-determination feel a greater sense of personal security and control than youths living in communities where self-determination is a distant reality—and that this increased sense of security and control is a powerful protective factor against suicide (Chandler and Lalonde 1998, 2004, 112; Hallet, Chandler, and Lalonde 2007, 392–393; cf. Kral and Idlout 2009, 318 and 324–329).¹⁷

The second variety of evidence tracks the relationship between self-determination in particular policy areas and improved policy outcomes, especially in the realm of social and economic affairs. Some of this research emphasizes the importance of the same instrumental and constructive factors highlighted in Sen's analysis of the developmental value of individual democratic empowerment. One of the best examples comes from the USA, where research conducted by the Harvard Project on American Indian Economic Development ("The Harvard Project") has demonstrated that tribal self-determination is the best predictor of tribal economic development. Indeed, their empirical research with hundreds of Tribal Nations across the USA shows that self-determination is the only policy to date that has produced sustained economic development on tribal lands. Quite simply: "Nothing else has provided as promising a set of political conditions for reservation economic development" (Cornell and Kalt 1998, 209). Equally telling, the researchers were unable to identify a single case where successful economic development came as a result of policies controlled by the Bureau of Indian Affairs or some other external authority (Cornell and Kalt 1998, 209–210; cf. Cornell 2005, 210).

The research identifies several factors that help explain the relationship between self-determination and successful economic development, two in particular that illustrate the instrumental and constructive value of this collective capability. The first factor is what the researchers call effective sovereignty or self-rule: granting tribes real jurisdiction and decision-making power over matters of substance. This first of all ensures that economic decisions will be made by governments that are closer to the people they serve, and which therefore have a better understanding and appreciation of the needs, priorities and circumstances of their constituents. This in turn increases the likelihood that the resultant economic development policies are appropriate and viable in local contexts. Equally important, tribes that assume primary decision-making authority over economic development policy thereby also assume the primary responsibility and accountability for their policy decisions, whereas previously economic decisions were made for them by distant and effectively unaccountable governments or bureaucracies. This shift in the locus of responsibility (and the cost of failure or mismanagement) fundamentally changes the incentive structure governing tribal economic policy, and the immediate consequence of this shift is a dramatic improvement in the quality of tribal decision-making, with

corresponding gains in economic development outcomes (Cornell and Kalt 1998, 210; Cornell, Jorgensen, and Kalt 2002, 11; Cornell 2005, 207–209).

The second factor explaining the relationship between self-determination and successful economic development is what the researchers call cultural match: “Cultural match refers to the match between governing institutions and the prevailing ideas in the community about how authority should be organized and exercised” (Cornell and Kalt 1998, 201). Respecting the freedom of indigenous communities to determine forms of governance consistent with their own cultural norms fits nicely with Sen’s point regarding the importance of respecting diversity and local democratic choice, but it also has crucial implications *vis-à-vis* the instrumental value of collective self-determination. The reason is that cultural match is a key ingredient in the perceived legitimacy of governing institutions amongst community members. Where cultural match is lacking, governments will have greater difficulty commanding the trust and allegiance of their citizens, and creating the conditions for policy compliance and buy-in, which in turn can seriously undermine policy efficacy (Cornell and Kalt 1998, 201–202; Begay et al. 2007, 48–49; Kalt et al. 2008, 126).¹⁸

One important criticism of the Harvard research is that self-determination appears to be little more than a tool for capitalist economic development while indigenous quality of life is measured exclusively in terms of market outcomes. The concern is that this ignores the tremendous diversity of perspectives on the meaning and value of self-determination amongst indigenous peoples, many of whom are striving to regain this collective freedom precisely in order to pursue developmental objectives that sharply conflict with capitalist market imperatives.¹⁹ This is a serious charge, but there are several things that can be said in response. First off it is not the fundamental purpose of The Harvard Project to convert tribal nations to the cause of market-driven economic development. The main objective is rather to illustrate that tribes *who themselves decide* to travel this path are not likely to succeed if non-indigenous governments continue to thwart their freedom to do so on their own terms and under the auspices of their own forms of collective decision-making. At the same time, the principle architects of The Harvard Project dismiss the argument that there is a fundamental incompatibility between indigeneity and capitalist development as a demeaning stereotype, which itself runs roughshod over indigenous diversity and the freely chosen developmental paths of many indigenous communities in the USA and beyond (Begay et al. 2007, 37–38).²⁰ A related point that comes up repeatedly in their research findings is that market success has been achieved by indigenous communities practicing a wide variety of different cultural models of governance, and this includes both relatively more modern and relatively more traditional institutional configurations (Cornell and Kalt 1997). Admittedly, the research also suggests that there will be cases where culture and the market clash, and that difficult choices will sometimes have to be made between pursuing a particular developmental strategy and pursuing a particular tradition, but again these are identified as choices which self-determining indigenous communities themselves are (and must be) free to make (Cornell and Kalt 1990, 120–121; Kalt et al. 2008, 126).

One final point: while it is true that The Harvard Project measures well-being in terms of market success and the resources and opportunities it offers to individuals, families and communities, it is wrong to suggest that this is the only way in which self-determination is seen as contributing to improvements in the quality of life in indigenous communities. Indeed, a broader look at the evidence gathered by this group of researchers demonstrates that self-determination (and good governance) can help secure better outcomes in a wide range of areas associated with human flourishing, including health, education, cultural revitalization and public safety (Kalt et al. 2008, 207, 224–231, 291–292, and *passim*).²¹ These results are consistent with the findings of a number of others studies seeking to probe the link between indigenous self-determination and social policy outcomes, including recent research which indicates a reduction in suicides in Canadian Inuit communities that take greater control of local suicide prevention programs (Kral et al. 2009, 302–303 and 305–306; cf. Kral and Idlout 2009, 324–329).²² Another recent study in the Canadian province of Manitoba shows improved health outcomes in indigenous communities that have assumed greater control over the planning, administration and delivery of their own healthcare services (Lavoie et al. 2010, 7). Education is another area that has received some attention in this regard, and there is evidence from both Canada

and New Zealand suggesting that greater indigenous control over schools and curriculum can lead to significant improvements in indigenous student enrolments, which in turn can have a positive impact in terms of factors such as language acquisition and employment prospects (Durie 1989, 292; Hampton 2000, 213 and 215).

While all of these results are encouraging, some caution is necessary in drawing broad and definitive conclusions about the instrumental value of collective self-determination for indigenous individuals and communities. To begin with, research tracking self-determination outcomes is still in the very early stages of its development. Indeed, one of the greatest weaknesses of the literature on indigenous self-determination is the overall lack of empirical studies tracking the success or failure of self-determination as a means of addressing the key social and economic challenges faced by indigenous communities today (see, for example, Salée 2006, 24; Lavoie et al. 2010, 2). Part of the problem in this respect is that in many countries collective self-determination, even in its most restricted forms, is not yet a reality for indigenous peoples, while in others it is only very partially or weakly realized. It should come as no surprise in this context that the majority of the research on self-determination outcomes has so far been conducted in Canada and the USA, where there has been relatively greater progress on the self-determination front and for a longer period of time.

Yet even in countries where collective forms of self-determination for indigenous peoples have gained some traction, the task of measuring their impact remains a challenging enterprise. Chief amongst these challenges is the enormous complexity of the social, economic and political processes involved, which means that the causal relationship between self-determination and the various developmental contributors to individual and communal well-being is difficult to assess and in many cases remains only dimly understood (see, for example, Chandler and Lalonde 2004, 121; Kirmayer, Simpson, and Cargo 2003, S18; Ladner 2009, 91–92; Tiessen, Taylor, and Kirmayer 2009, 264; Lavoie et al. 2010, 6; Papillon 2008, 5, 9 and 12; Kirmayer, Tait, and Simpson 2009, 18–19). Other challenges include a lack of reliable data on social and economic outcomes, the fact that many experiments in self-determination are still too young to have yielded any convincing results, and the continued reluctance of governments to grant indigenous communities the kinds of decision-making powers that could make a difference. At the end of the day, moreover, nobody should expect that expanding the collective capability for indigenous self-determination will immediately resolve all of the social and economic challenges faced by indigenous peoples and communities. These are stubborn and deep-seated problems that have taken hold over many decades, and more likely than not they will take many more decades to resolve (Minore and Katt 2007, 15 and 17; Kalt et al. 2008, 11 and 114–117; Papillon 2008, 5; Lavoie et al. 2010, 6). Furthermore, just as self-determination is not the only factor contributing to successful development and a better quality of life in any non-indigenous community, there is no reason to expect this to be the case in any indigenous community. All the same, evidence of the intrinsic, instrumental and constructive value of collective self-determination for indigenous peoples cannot be ignored; indeed, it cries out for much more thorough investigation by researchers and policy-makers alike.

Conclusion

One of the most valuable insights to be gained from the capabilities approach is that self-determination is not only a basic human right, but is also a basic human need that has real developmental consequences. The central aim of this article has been to demonstrate that this is true not only of the individual, but also of the collective capability for self-determination. The case of indigenous peoples offers an especially compelling illustration of this truth. The available evidence indicates not only that the suppression of indigenous forms of self-determination has caused severe and ongoing distress to indigenous individuals and communities, but also suggests that one of the most promising ways of healing this damage and making real and lasting improvements to the quality of life in indigenous communities is for indigenous peoples to regain the collective capability for self-determination that was lost to them as a consequence of colonization and modern state-building practices. While neither Sen nor Nussbaum seems aware of the significance of the collective capability for self-determination, I hope to have

shown that this collective freedom is not only compatible with, but essential to, the underlying purposes of the capabilities approach as they themselves define it. Succinctly stated, the collective capability for self-determination is precisely the sort of freedom Sen describes as both the primary objective and the principle means of development (Sen 2001a, 506). By embracing this collective capability and making it a central plank of development policy in colonial settler states, the capabilities approach can make a significant contribution to the global struggle against indigenous disempowerment and indigenous disadvantage. By failing to do so, it will remain blind to one of the most significant sources of unfreedom confronting indigenous peoples in the modern world.

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Notes

1. Sen would argue further that economic growth and job creation have important implications for reducing the negative physical and mental health consequence of chronic unemployment (1999a, 21 and 94–96).
2. I have adapted Nussbaum's concept slightly. Control over one's environment is one of her list of 10 central human capabilities, which includes control over both political and material environments.
3. Based on his survey of existing empirical and statistical studies, Sen concludes that "the case for democracy and civil rights cannot be based on their likely *positive* impact on economic growth, nor can that case be demolished by their likely *negative* effect on economic growth" (1999b, 91).
4. The example depends on the assumption that the countries in question were faced with a crisis of food distribution rather than an absolute food shortage.
5. The quote from Taylor actually refers to the idea of a "communal good" but it is equally apt in this context. For more on the idea of communal goods, see Waldron (1987).
6. Schmitter and Karl, for example, include self-government on their list of "procedures that make democracy possible". As they conclude: "The polity must be self-governing; it must be able to act independently of constraints imposed by some other overarching political system" (Schmitter and Karl 1993, 45). However, they consider only examples of outside control pertaining to relations between states, not relations between states and their sub-state communities or nations.
7. For some of the institutional variations, see Catt and Murphy (2002).
8. See, for example, the accounts of these policies in Australia (Chesterman and Galligan 1997), Canada (Canada, Royal Commission on Aboriginal Peoples 1996, vol. 1), Latin America (Diaz Polanco 1997), and the USA (Prucha 1986).
9. It should be noted, however, that in countries such as Fiji, Bolivia and Guatemala, indigenous peoples comprise the majority of the population, while in others, such as Ecuador, Mexico and New Zealand, they comprise fairly substantial minorities.
10. For a sample of the literature discussing this multinational democratic model, see Gagnon and Tully (2001), Kymlicka (1995, 2001a, 91–119), Harty and Murphy (2005) and Yashar (2005).
11. Sen is not opposed to partial or tentative lists of capabilities, but they must always be subject to change and elaboration on the basis of local democratic deliberation. Nussbaum also cites the importance of respecting local norms and preferences, but she nevertheless insists on a core list of (10) universal capabilities all of which "are part of a minimum account of social justice" (2006, 57, cf. 59–60). See their debate on this subject in Nussbaum (2008) and Sen (2004).
12. For related discussion on this point, see Gigler (2005, 3–4), Schlosberg and Carruthers (2010, 16), and Binder and Binder (2012). Indigenous peoples have also suggested the need to develop their own distinctive indicators of well-being. For discussion, see Taylor (2008) and Swepston (2011, 422–423).
13. Here I borrow the language of the capability Nussbaum labels "Other Species" (2008, 605).
14. Nussbaum herself includes only individual property rights under this capability (2008, 605). One of the anonymous referees suggested also exploring the relevance of Nussbaum's capability for "affiliation" and in particular whether self-determination is an essential component of the social bases of self-respect for indigenous individuals. Although I cannot follow up on this very promising line of inquiry here, the seeds for such a discussion can be found in Tully (1995, 189), Weinstock (1998, 299) and, more generally, Taylor (1994).
15. One of the more destructive policies involved the removal and re-education of indigenous children, many of whom were subjected to verbal, physical and sexual abuse in their new surroundings (Canada, Royal Commission on Aboriginal Peoples 1996, vol. 1, 333–389; Australian Human Rights and Equal Opportunity Commission 1997, 25–245; Chansonneuve 2005; Elias et al. 2012).
16. Compare Borrows: "Aboriginal control of Aboriginal affairs is important to the flourishing of Aboriginal communities" (2002, 156).

17. Chandler and Lalonde place more emphasis on the issue of a community's success in securing its cultural continuity, while other interpreters of their results place more emphasis on the issue of community control *per se* (see Hunter and Harvey 2002, 16; Kirmayer, Simpson, and Cargo 2003, S18). Tiessen, Taylor, and Kirmayer (2009) also find a correlation between greater perceived community control and improvements in the psychological well-being of individual community members, although they do not specifically link the concept of communal control to the idea of indigenous political self-determination.
18. Capable governing institutions is the third factor. This refers to factors such as institutional stability, the separation of business and politics, effective and authoritative dispute-resolution mechanisms, and skilled leadership and administration—all of which help to provide a conducive environment for investors in the widest sense of that term (e.g. not only capital providers but also job seekers, entrepreneurs, and those interested in a viable life on tribal lands, etc.) (Cornell and Kalt 1998, 192–193; Cornell 2005, 207). While the Harvard research emphasizes the importance of all three of these factors in tribal economic development, the most crucial factor is effective sovereignty, and the greatest threat to tribal economic progress is government retrenchment on its self-determination policy (Cornell and Kalt 1998, 208–209; Cornell and Kalt 2007, 28; Kalt et al. 2008, 136).
19. This criticism was raised in different ways by both of the anonymous referees, and I thank them for encouraging me to address it.
20. Neither of the anonymous referees endorsed this more categorical version of the capitalism–indigeneity argument.
21. In another direct parallel with Sen's research, this evidence also illustrates the interdependent and mutually reinforcing nature of the outcomes of collective self-determination in a wide variety of areas spanning the social, political and economic. This suggests that, at the collective level as well, “free and sustainable human agency [is] a generally effectual engine of development” (Sen 2001b, 507).
22. However, compare Minore and Katt (2007), who found that a similar initiative in Northern Ontario did not yield the desired outcomes in suicide reduction.

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