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**Framework for Autonomy in Southeast Asia's
Plural Societies**

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ABSTRACT

Perhaps drawing inspiration from the success of East Timor in separating from Indonesia, post-Cold War Southeast Asia faces a resurgence of ethnic strife. Ethnic mobilization, with its threat to the integrity of the nation-states as presently constructed, is thus emerging as a key security issue for these states and the region. This study developed a framework for autonomy that can be useful to nation-states confronted with this problem. The elements of the framework were extracted from a survey of contemporary ethnic mobilization in four Southeast Asian countries -- namely, in Southern Philippines, Southern Thailand, Aceh in Indonesia, and Burma-- and corresponding governmental responses. The scheme effectively illustrates how the nation-state territory can be preserved while sovereignty is diffused or devolved through various measures, including spatial arrangements that can maximize the criteria of distinctiveness and efficiency; and assuasive and corrective mechanisms, with their respective upward and downward streams, that respond to and find a balance among conflicting needs and interests.

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FRAMEWORK FOR AUTONOMY IN SOUTHEAST ASIA'S PLURAL SOCIETIES

Introduction

Perhaps drawing inspiration from East Timor's independence, post-Cold War Southeast Asia faces a resurgence of ethnic strife. While East Timor's success resulted from a unique confluence of local, domestic and international factors, ethnic mobilization, with its threat to the integrity of Southeast Asian states as presently constructed, remains a key security issue. Because of spillover effects including refugee flows and arms transfers, as well as the inspirational or solidarity impact arising from shared ideology and aspirations, separatism affects regional security as well. It is thus imperative for regional political leaders to find lasting solutions.

In the face of separatist movements, the leaders of Southeast Asian states usually invoke "national integrity" and "sovereignty" as their legitimate basis to deny, and even to use state power against, such demands. In this statist framework, both territory and sovereignty are deemed absolute and non-negotiable.

While not precluding the possibility of similar break-ups in other parts of Indonesia or the rest of Southeast Asia in the future, and without arguing the moral superiority of autonomy over separatism, autonomy continues to constitute a less violent and potentially workable option. The objective of this study is to develop a framework for autonomy arrangements that can help states respond to separatist demands while preserving their national integrity. In this way the security of the region -- for its member states and people -- can be enhanced. Autonomy is used here in its generic sense to indicate "all forms of spatial arrangements for self-government"¹ within a nation-state.

In the range of potential options for an autonomy framework, national integrity and sovereignty are not viewed as equally absolute. Under this approach, only national integrity is a fixed value while sovereignty is subject to diffusion or devolution, and can be conceived as being inclusive, layered and/or multi-centered. Just as restrictions can be imposed on a state's sovereignty

¹ Peter Harris and Ben Reilly, *Democracy and Deep-Rooted Conflict: Options for Negotiators* (Stockholm: International Institute for Democracy and Electoral Assistance, 1998), p.157.

through treaties freely entered into, sovereignty can be considered negotiable and subject to compromise within the framework of the nation-state. Under an autonomy framework, territory is kept as a constant while sovereignty is layered, allowing for various arrangements for the exercise of sovereign powers among units of the nation-state.

In developing an autonomy framework useful in the context of Southeast Asia's plural societies, it is important to first understand the nature of the problem. Thus, this paper will first survey the nature of the selected cases of ethnic mobilization and corresponding government responses. The cases covered are those of the Muslims of the Southern Philippines and Southern Thailand, Aceh in Indonesia, and the minority ethnic groups of Burma.

This paper will not attempt to provide a comprehensive evaluation of the actual or proposed autonomy schemes and other governmental responses that will be surveyed. Rather, the survey of the four cases is intended to draw out parts of an autonomy framework that are potentially useful in the context of Southeast Asia. This study will focus on three dimensions to illuminate aspects of the problem and corresponding solutions: the economic, political and socio-cultural.

The autonomy framework provided in this paper consists of "upward" and "downward" streams of economic, political and socio-cultural solutions. The former emphasizes the mainstreaming of ethnic groups into the national body politic, while the downward stream highlights the devolution of powers leading to local self-governance. These streams represent the dual nature of autonomy: being part of the national body politic while remaining distinct. Together they constitute corrective mechanisms aimed at persuading ethnic groups of the benefits of staying within nation-states. At the same time, since states are answerable to other constituencies, they must also assure these that their interests will also be protected. These assurances are referred to as assuasive mechanisms. Assuasive and corrective mechanisms, with their respective upward and downward streams, therefore, are attempts to reconcile conflicting needs and interests.

The Nature of the Conflicts and Governmental Responses

Ethnic conflicts are generally acknowledged as complex. Increasingly, the view that ethnic mobilization arises purely or merely as an expression of primordial ties or needs is on the decline.

Instead, ethnic mobilization is attributed to changing socio-economic and political factors, specifically, the present post-colonial restructuring processes in the context of global capitalism which have aggravated existing social and economic disparities and communal rivalries.²

This position is bolstered by the observation that in several cases where no primordial ties can be shown to pre-exist historically, ethnic mobilization has occurred. For example, the rise of *Isan* (“northeast”) consciousness and the consequent ethno-regional unrest in northeast Thailand from the late 1950s to the early 1970s has been attributed to internal colonialism.³ The economic exploitation and political and cultural oppression assumed an ethnic character because of the culturally-proscribed occupational roles that emerged, the group formation that took place, and the rise of ethnic leaders employing an ethno-nationalist ideology – not necessarily because there were distinct cultural cleavages to begin with. The idea of a “Cordillera nation” in northern Luzon is also a recent phenomenon that arose from the political mobilization against the development policies of the Marcos martial law regime in the Philippines in the 1970s. A regional response and new regional identity developed from local resistance. Although the region’s marginalization was rooted in historical oppression, the vision of an autonomous region was first articulated only in the 1980s.⁴

The following sections will briefly survey how ethnic mobilization in Aceh, Southern Thailand, Southern Philippines and Burma have been explained by scholars and by rebel groups themselves.

² Amedeo Maiello, “Ethnic Conflict in Post-Colonial India,” in Iain Chambers and Lidia Curti, eds., *The Post-Colonial Question: Common Skies, Divided Horizons* (London: Routledge, 1996), p.104.

³ David Brown, *The State and Ethnic Politics in Southeast Asia* (London: Routledge, 1994), pp.158-65. In internal colonialism, uneven economic development between the core and periphery regions occurs through the extraction of surplus from raw material and agricultural production in the periphery. In addition, the state usually suppresses indigenous political institutions in the periphery and replaces these with the state’s central administration. Moreover, the state imposes a development strategy that erodes the economic autonomy of the periphery.

⁴ The first elaboration of a vision for Cordillera autonomy is found in the *Pagta* of the Cordillera *Bodong* (Kalinga for “peace pact”), the constitution adopted by the Cordillera *Bodong* at its fourth Congress in December 1986. See Rizal G. Buendia, “The Cordillera Autonomy and the Quest for Nation Building: Prospects in the Philippines.” *Philippine Journal of Public Administration*, 34:4 (October 1991), pp.335-68.

Aceh

The Acehese rebellion of the 1950s was construed as an assertion of Islamic aspirations that were denied by the formation of a secular post-colonial state. Factors that have enhanced the province's distinctiveness – such as its strong ethnic cohesiveness, history of political independence, intensity of commitment to Islam, relative isolation from the center, and internal colonial economic relations with the government⁵ -- supported this perception. However, a number of scholars see this largely as a conflict among competing elites, such as local leaders battling Javanese centralizing elites over the distribution of power,⁶ or as an example of neo-patrimonial politics, with cooperation or conflict taking place depending on alignments among dominant elite factions at local and central levels.⁷

Analyses of the recent unrest, meanwhile, identify resentment over Jakarta's control of the province's wealth as the key cause of dissent. In addition, recent widespread human rights violations have increasingly alienated the Acehese from the central government.⁸ Thus, human rights issues and economic deprivation have surfaced as the key issues generating separatist sentiments at the present time.

Southern Philippines

The Moro rebellion in the Philippines has been explained as a response to the forcible annexation and the consequent historical injustice suffered by Islamized ethno-linguistic groups in Mindanao, the southernmost island group of the Philippines. In the December 1898 Treaty of Paris signed by Spain and the United States, the sultanates of Mindanao and Sulu were considered a part of the Philippine islands ceded to the United States. The US successfully crushed Moro resistance by

⁵ Brown, p.136.

⁶ See Ruth McVey, "Separatism and Paradoxes of the Nation-State in Perspective," in Lim Joo-Jock and S. Vani, eds., *Armed Separatism in Southeast Asia* (Singapore: Institute of Southeast Asian Studies, 1984).

⁷ Brown, p.113. Brown argues that the political mobilization of Acehese communalism may be explained by the lack of congruence between the cohesion and strategies of elites at the level of the central state and those at the regional level.

⁸ Since 1989, more than 1,000 Acehese have reportedly died under anomalous circumstances. See Adam Schwarz, *A Nation in Waiting: Indonesia in the 1990s* (Sydney: Allen and Unwin, 1994), p.173.

1913 and then initiated the series of resettlement programs that led to the peopling of the island by Christianized settlers. This program was pursued by successive post-colonial Filipino administrations, resulting in the minoritization of the Islamized population and the loss of the “Bangsamoro homeland.” From making up 76 percent of the population in Mindanao in 1903, the Moro population had declined to only 19 percent by 1990.⁹

Many scholars and partisans from all sides have stressed that the Mindanao conflict is not a religious conflict, although in the 1970s, this dimension was highlighted by the rise of Muslim and Christian vigilante groups engaged in terrorist activities against each other’s communities and places of worship. The economic and political dimensions of minoritization manifested in relative deprivation, cumulative loss of control over ancestral domains, human rights violations resulting from militarization, and political marginalization are more often identified as the underlying causes of the current conflict. More recent analyses, meanwhile, emphasize the cultural dimension, looking into differences in worldviews leading to different ways of life and values pertaining to land ownership,¹⁰ governance and justice.

Southern Thailand

The conflict in the Muslim-dominated provinces of Southern Thailand which peaked between 1932 and 1975 can be explained as a reaction of local leaders whose authority and power were weakened by the centralization of administrative powers in the hands of Buddhist Thai elites. Another cited cause is the forced assimilation of the local population into the dominant cultural group, thereby highlighting religion and culture as key factors. At the same time, economic backwardness relative to the center was seen as a contributory factor although Southern Thailand was relatively better off than the Northeastern and Northern regions of the country.

This mix of issues was reflected in the seven demands contained in the petition submitted by Muslim leader Haji Sulong to the Thai premier in 1947. These included the governance of the four

⁹ See table of estimates of the Moro and Non-Moro population in Mindanao from 1903-80 in W.K. Che Man, *Muslim Separatism: The Moros of Southern Philippines and the Malays of Southern Thailand* (Quezon City: Ateneo de Manila University Press, 1990), p.25.

¹⁰ See, for example Myrthena L. Fianza, “Conflicting Land Use and Ownership Patterns and the ‘Moro Problem’ in Southern Philippines,” in Miriam Coronel Ferrer, ed., *Sama-sama: Facets of Ethnic Relations in Southeast Asia* (Quezon City: Third World Studies Center, University of the Philippines, 1999), pp.21-69.

Malay provinces by a native of the region, the use of Malay as a medium of instruction, for both Malay and Thai to be the official languages of these provinces, for Muslim laws to be recognized and enforced, and for the term “Malayu” to be accepted as the Muslim identity in these provinces.¹¹

Burma

The conflict in Burma has been described as one between state nationalism and ethnic nationalism, where the former has been defined from the perspective and interest of the dominant ethnic majority, the Burmans.¹² The Burmans, after capturing the post-colonial state, used the state to maintain and reinforce a monopoly of power. They placed their cultural attributes and values at the core of the national identity. Expectedly, in such an ethnocratic state, elite state positions have been monopolized by members of the dominant ethnic group. Moreover, the disruptive penetration by the ethnocratic state of peripheral communities led to the collapse of local authority structures and social dislocation. This, in turn, gave rise to new forms of ethnic consciousness.

The sections that follow illustrate the key components of causes of conflict and state responses in order to enhance our understanding of these cases on a comparative basis, and to provide a basis for the elements of an autonomy framework.

The Economic Dimension

In the four cases covered in this study, the economic dimensions of conflict are quite manifest.

Southern Philippines

Of the Philippines’ 78 provinces, the current four-province Autonomous Region of Muslim Mindanao (ARMM) is considered quite poor. In 1994, ARMM had the second highest proportion of out-of-school youth at 17.5 percent. Region 12 of Central Mindanao, the location of other

¹¹ Cited in Suria Saniwabin wan Mahmood, “De-radicalization of Minority Dissent: A Case Study of Malay-Muslim Movement in Southern Thailand, 1980-1994,” in Miriam Coronel Ferrer, ed., *Sama-sama: Facets of Ethnic Relations in Southeast Asia* (Quezon City: Third World Studies Center, University of the Philippines, 1999), p.124.

¹² See Brown, pp.33-65.

significant populations of Islamicized ethno-linguistic groups, does not fare as badly, with simple literacy at 91.71 percent.¹³

Aceh

Aceh similarly suffers from relative deprivation. But unlike the ARMM, it is a major contributor to the national income as a result of natural resources exploitation of its natural gas deposits. The regional gross domestic product (GDP) from natural resource exploitation in Aceh and Irian Jaya is about US\$ 2 billion per annum.¹⁴ The wealth produced per inhabitant is among the highest in the country but the income and consumption per person are much lower than the national mean.

Southern Thailand

Southern Thailand is not the poorest region in Thailand, and consequently it has been noted that the sense of deprivation among the Malay-Muslims is not as pronounced when compared to the Moros in the Philippines.¹⁵ Despite this, the region's per capita income has remained below the national mean throughout the decades of Thailand's phenomenal economic growth.

Moreover, the economies of the four Malay-Muslim provinces – Pattani, Yala, Narathiwat and Satun – are the poorest among the 14 provinces of southern Thailand. Per capita income in these provinces was US\$ 270 per month in 1976, about US\$ 90 lower than the national average.¹⁶

The Development Proposition

To what extent is ethnic mobilization spurred by economic deprivation? From this can we determine whether economic incentives would enhance accommodation under existing regimes and

¹³ Philippines, National Statistics Office, *1994 Functional Literacy and Mass Media Survey* (Philippines: National Statistics Office, 1997).

¹⁴ Heffernan Van Zorge *et al*, "Implementing Reform: Decentralizing Amid Regional Dissent." *Van Zorge Report* No.27 (29 November 1999) (<http://www.vanzorgereport.com/scripts/reform.cfm>).

¹⁵ Che Man, p.71.

¹⁶ Cited in Suria, pp.118-20.

within existing nation-states? In many cases, economic oppression constitutes an important source of discontent and accordingly serves as a mobilizing platform. Some authorities would even consider it more important than political and cultural aspects. This has in turn led to the economic view that once economic development takes place, political mobilization dissipates. This is not necessarily the case, however.

The promise of development has, in any case, weighed heavily in government responses to ethnic mobilization. For one, it has the advantage of transcending or being de-linked from the political or ideological quest for autonomy. The promise of economic development also generates support from the more pragmatic sections of the populace whose main concern are economic opportunities or survival. Local governments and other leaders, including those of separatist groups, also find the infusion of development funds an attractive proposition.

We find that as far as three of our four cases are concerned – namely, Southern Thailand, Burma and Southern Philippines, the development proposition has played a moderating influence on ethnic mobilization. Indeed, even as the end of the Cold War provided fertile ground for ethnic mobilization, the reverse - demobilization or de-radicalization - has also taken place. This accords with the observation that ideology has given way to economic pragmatism, and that the post-Cold War period has witnessed the peaceful settlement of long-standing conflicts. The 1996 Peace Agreement between the Philippine government and the Moro National Liberation Front (MNLFF), for example, effectively ended armed conflict between the two parties. The liberation movements in Southern Thailand similarly opted by the mid-1980s to avail themselves of government-sponsored livelihood and resettlement programs. The Burmese military *junta* has likewise engaged its various rebel groups in negotiations. In these cases, economic development and other pragmatic considerations provided the impetus to negotiate peaceful settlements.

Southern Thailand

In the 1980s, Premier Prem launched a special development programme for Southern Thailand aimed at integrating the local economy with that of the rest of the country. Poverty eradication, the development of agricultural industries, industrialization, tourism development, urban development, human resource development, resource conservation and a special economic development programme for the five provinces (including Songkhla) comprised this program. The

King also launched his own special programs in the four Malay-Muslim provinces. This included the introduction of new rubber strains and technological support for rubber plantations, thereby increasing the productivity of the rubber industry in these provinces.¹⁷

These measures and subsequent economic progress --coupled with political liberalization, including greater cultural tolerance -- created the context for demobilization even without any significant rearrangement of the administrative and constitutional structure pertaining to local governance. By the 1990s, the threat of violent ethnic strife had waned significantly.

Burma

The success of Burma's military junta in negotiating ceasefires with most ethnic rebel groups is also credited to economic development. The first five ceasefires, which included truces with the United Wa State Party and the Shan State Progress Party, were forged in 1989. In 1991, a succession of ceasefires was successfully negotiated with National Democratic Forces including the Kachin Independence Organization's (KIO) 4th Brigade (which defected from the KIO to form the new Kachin Defense Army), the Pao National Organization, and the Palaung State Liberation Party. In 1994, a truce was forged with the KIO, a process that involved the community and church sectors and led to the expulsion of the KIO from the Democratic Alliance of Burma (DAB). The Democratic Karen Buddhist Army, which broke away from the Karen National Union, also agreed to a ceasefire in 1994-95. At about the same time, a short-lived ceasefire was brokered with the Karenni National Progressive Party but it broke down in 1995 due to disagreements over territory and trade. In all, stable ceasefires are reportedly in place in the Kachin, Palaung, Pao and Wa communities in the northeast, and also in the Rakhine settlement areas under the auspices of the United Nations High Commissioner for Refugees (UNHCR).¹⁸

These ceasefires were generally framed within a "peace through development" perspective, which posits that social welfare and development will provide a foundation for reconciliation and reform. Under the ceasefire agreements, the *junta* became committed to introducing health and

¹⁷ *Ibid.*, pp.131-34.

¹⁸ Martin Smith, "Ethnic Conflict and the Challenge of Civil Society in Burma," in Burma Center Netherlands and Transnational Institute, *Strengthening Civil Society in Burma: Possibilities and Dilemmas for International NGOS* (Chiang Mai: Silkworm Books, 1999), pp.26-35.

development programs in ceasefire areas. A Border Areas Development Plan was initiated whereby subsidies and supplies were given to communities to encourage self-sufficiency. They are also negotiating a United Nations (UN)-supported crop substitution program aimed at eradicating opium plantations.¹⁹

According to Martin Smith, these ceasefires have fundamentally changed the economic basis of the border regions, notably those alongside China. The previously insurgent-controlled trade has now become legal and isolated economies have become internationalized. Once separated communities have re-established normal relations.²⁰

New economic, political and social networks, including agencies like the UN and international non-governmental organizations (NGOs), have evolved as a result.²¹ The ceasefires have also given the erstwhile rebel groups political recognition previously denied them during the long decades of one-party rule.

Although the long-term outcome remains unclear, Smith concludes that:

The short answer, of course, is that all sides in the ceasefires have agreed to place immediate political problems to one side, including questions of state, while different initiatives are begun (such as health, business, education) to try and cement peace by finding new methods and institutions for effective social representation and progress.²²

Southern Philippines

The framework of “peace and development” figured significantly in former Philippine President Fidel Ramos’ program of administration from 1992-98. Ramos pursued peace negotiations with major rebel groups arguing that when peace is achieved, the way to development is enhanced. The emphasis on development is also integral to the analysis of the causes of rebellion. In the

¹⁹ *Ibid*, pp.19 and 29.

²⁰ *Ibid*, pp.38-39.

²¹ *Ibid*, pp.28-29.

²² *Ibid*, pp. 36 and 41.

administration's "Six Paths to Peace," the pursuit of social, economic and political reforms is number one.²³ The 1996 Peace Agreement with the MNLF created a "Zone of Peace and Development" in the south, and an administrative body called the Southern Philippines Council for Peace and Development. The transition mechanisms provided momentum for relative peace and stability that in turn enabled the start of community development projects funded by a host of foreign donors, as well as several infrastructure programs. However, this process was stalled by economic difficulties resulting from the Asian crisis that began in July 1997 and the lack of importance given to the process by the next administration.

After intensifying warfare against the Moro Islamic Liberation Front (MILF) from March-June 2000, President Joseph Estrada Ejercito declared a four-point approach to the Mindanao conflict in his "State of the Nation Address" of 2000 that likewise posits the development proposition. Estrada pledged that the government would vigorously pursue reconstruction and socio-economic development in Mindanao.²⁴

We can tentatively conclude that the development proposition creates favorable conditions for toning down separatist demands based on the cases examined here. Of these, Southern Thailand appears to have achieved long-term stability in terms of economic advancement and the de-radicalization of ethnic mobilization. However, this has also been anchored by other supporting factors that will be discussed in the following sections. The long-term sustainability of Burma and the Southern Philippines remains in the balance, considering continuing economic and political difficulties in the broader national context. Development packages in these cases would thus need to be augmented by other measures.

²³ The five other components are consensus building and empowerment for peace; peaceful, negotiated settlement with the different rebel groups; programs for reconciliation, reintegration and rehabilitation; conflict management and protection of civilians caught in the armed conflict; and building and nurturing a climate conducive to peace.

²⁴ Cited in Alexander P. Aguirre, "The Mindanao Peace Process: Initiatives towards Peace and Development Following the Cessation of Hostilities in Southern Philippines." Paper delivered at the Academe Meets Government Dialogue Series organized by the Third World Studies Center, University of the Philippines, Quezon City, 27 July 2000. The other three points are restoration and maintenance of peace through effective military and police actions; continuation of peace negotiations with the MILF within the framework of the Constitution and the principle of meaningful autonomy; and the full and effective implementation of the peace agreement with the MNLF.

Downstream: Local Control over Resources and Wealth

Effective governance requires and presupposes a capacity to pay for the services and infrastructure required. At the same time, resource generation requires a spatial arrangement. As aptly put by a former Muslim Filipino legislator, there must be a land base that can serve as an autonomous government's tax base.²⁵ This is why autonomy and devolution schemes always require mechanisms for the more favorable allocation and self-generation of revenue, as well as a defined territorial unit in which such arrangements can be operationalized.

The importance of the economic component of self-governance has not been lost on regional separatists. One of the seven demands to the Thai government in 1947 by Malay-Muslims was the utilization of all revenues and incomes derived from the four provinces within the region.²⁶ In its negotiation with former President Ferdinand Marcos in 1976, the MNLF specifically asked for an 85 percent retention of taxes collected in the proposed autonomous region.²⁷

It appears that the bigger the economic stakes, the tougher are negotiations over sharing arrangements. Well-off local bodies become more proprietary about their own wealth, as is shown by the case of Aceh.

Aceh

Under Suharto's New Order, governance functions, including economic policy-making, were highly centralized. The national planning board and other Jakarta-based ministries defined regional spending priorities; provincial officials were handpicked by the Home Ministry; regional military commanders were chosen by the central armed forces headquarters; and legislative assemblies were virtually "rubber stamp" institutions.²⁸

²⁵ Statement by former House Representative Michael Mastura at the roundtable discussion "Exploring Constitutional Structures for the Muslim Community," University of the Philippines Law Center, 23 August 2000.

²⁶ Suria, p.124.

²⁷ Cited in Sukarno D Tanggol, *Muslim Autonomy in the Philippines: Rhetoric and Reality* (Marawi City: Office of the President and Press Information Office, Mindanao State University, 1993).

²⁸ Schwarz, p.62.

The Indonesian parliament addressed this problem by passing two new decentralization laws in mid-1999, a year after the resignation of Suharto. Under Law No.22/1999 on Regional Development, development planning and poverty alleviation programs - previously centralized in Jakarta and implemented by handpicked officials - would now be exercised at the provincial and sub-provincial levels. Districts would now be responsible for public works, health, education, culture, agriculture, communications, industry and trade, investment, the environment, land matters, cooperatives and labor.²⁹

Law No.25/1999 (on Fiscal Balancing Between the Central and Regional Governments) localizes fiscal expenditure decision-making. Provincial and district governments will now have greater control over how to spend their “block grants” from the central government. Previously, local governments received “specific grants” for projects defined by the central government.³⁰

It is estimated that in the last 30 years gas profits from Aceh amounting to approximately US\$ 2.1 billion annually were siphoned off to Jakarta, with only 1.6 percent returned to the province.³¹ Law No.25 seeks to correct this by providing national and local governments to share tax revenues collected from natural resource exploitation, including the seas:

Table 1
Allocation of Taxes from Natural Resources Revenues³²

	Division of Share	
Resource Rent	Province	Central Government
Mining, Forestry, Fisheries	80	20
Onshore Gas	30	70
Reforestation Funds	20	80
Onshore Oil	15	85

²⁹ Harold Crouch, “Indonesia: Democratization and the Threat of Disintegration.” *Southeast Asian Affairs 2000* (Singapore: Institute of Southeast Asian Studies, 2000), pp.126-27.

³⁰ Van Zorge, *et al*, *op cit*.

³¹ *The Straits Times* (27 March 1999).

³² Van Zorge, *et al*, *op cit*.

These measures sought to set new standards of governance throughout the country. However, they were specifically intended to appease separatist demands, and douse calls for a shift to federalism, prompting criticism that the regional autonomy reforms were largely a political mechanism rather than a tool for economic efficiency.³³

But even as a tool for appeasement, the meager share given to the Acehnese does not serve the purpose. Only 15 percent of oil revenues are allocated to the local government, although oil is the largest contributor to natural resource earnings, and no other taxes are being devolved. Dr. Iskandar, an Acehnese official in the provincial governor's office, thinks the provincial share should be 55 per cent.³⁴ Another proposal is for provincial governments to be allowed to set their own taxation rates for value-added, corporate and individual income, and land business taxes, as well as to utilize the taxes collected for programs appropriate to their needs.³⁵

Southern Philippines

The peace agreement between the Philippine government and the MNLF called for an amendment to the Organic Act on the ARMM. In keeping with this, the House passed Bill 7883 in July 1999, while the Senate passed its own bill in January 2001 creating the Autonomous Region of Southern Philippines (ARSP).

Both bills explicitly affirm the regional government's fiscal autonomy in raising and budgeting its own sources of revenue, as well as 'block' subsidies from the national government and foreign donors. They also guarantee the right to formulate economic and financial programs, and offer a better sharing arrangement than does Indonesia. Senate Bill 2129, for example, provides for a 35/35/30 share for the province/city, regional government and central government, respectively,

³³ *Ibid.*

³⁴ *The Straits Times* (27 March 1999). It is also claimed the poor sharing arrangements provided by the central authorities resulted from pressure from international creditors. It was feared that if the national government did not raise sufficient revenues, it would not be able to repay its creditors. *Tempo* (17 January 2000), cited in Mohtar Masoed, "Democracy and Human Rights in Indonesia." Paper delivered at the International Symposium on the 20th Anniversary of the Kwangju Uprising, Democracy and Human Rights in the New Millennium, Chonnam National University, Kwangju, Korea, 15-17 May 2000.

³⁵ Van Zorge *et al*, *op cit.*

for national internal revenue taxes, fees and charges, and taxes imposed on natural resources. The scheme effectively retains 70 percent of revenues from these sources for the region.

One thorny point as far as the MNLF is concerned involves control over the exploration, development, utilization and protection of strategic minerals. The present ARMM law (Republic Act 6734) specifies what strategic minerals will not be subject to the control of the Autonomous Government. These are uranium, coal, petroleum and other fossil fuels, mineral oils, all sources of potential energy, as well as national reserves and aquatic parks, forest and watershed reservations as may be delimited by national law. The compromise in the Senate Bill was to provide for a 50/50 sharing of these revenues between the central and autonomous governments.

Burma

The proposed Future Constitution of Burma drafted by the National Coalition of the Union of Burma (NCUB) - comprised of members of the Parliament Union, the National League of Democracy-Liberated Area, and the DAB³⁶ - also seeks to correct the inadequate powers of taxation provided at the local level. Under Article 74, member states enjoy concurrent legislative powers with the Union over the imposition of purchase and sales, business enterprise, liquor and tobacco, and port taxes within the Federal Union, drugs, investment by foreign governments and companies, local radio and television services, and banking services.³⁷

Member states likewise possess primary legislative powers over the protection of the environment, Federal Union energy and development projects within member states, exploration, exploitation and sale of natural resources within the state, transfer of homes, premises and land matters, regulations relating to rivers and waterways crossing the state's borders, and domestic sea and coastal transportation. The Federal Congress is to exercise these powers only when necessary, notably when interests of another member state or the Union is endangered. Laws relating to the

³⁶ Formed in 1988, the DAB is made up of several armed ethnic organizations, including the National Democratic Front, and sectoral groups like the All Burma Student Democratic Front and the All Burma Young Monks Union.

³⁷ See National Council of the Union of Burma, Constitution Drafting Committee, *Commentary on the (Future) Constitution of the Federal Union of Burma* (Constitution Drafting Committee, National Council of the Union of Burma, November 1998).

exploitation and sale of natural resources, foreign investment and production of energy are to come into force only after agreement by member states and the Federal Congress.

Upstream: Fostering Greater Integration with National Economic Development Processes

Upstream mechanisms in the economic sphere refer to measures that will enhance the role and integration of the local economy into the national development process. This can be seen in the growth of tourism in Southern Thailand alongside the growth of the tourism industry in the country as a whole. Development plans in Mindanao seek to generate “growth corridors” by providing infrastructure development assistance and promoting these areas as sites for foreign investment to effectively integrate them with the national economic plan. However, it has been observed that most of the growth corridors in Mindanao are in non-Muslim areas.

Redistributive goals, in the form of budgetary support and assistance such as human resource development and participation in national economic planning bodies or financial institutions, can be considered upstream mechanisms in the sense that they are benefits accrued from being part of the bigger national unit, and are meant to enhance the visibility of local initiatives in the national economic scene. This element has been apparent in the autonomy schemes developed thus far. In the NCUB-proposed constitution, in case a member state cannot carry out its functions due to a lack of funds, the Federal Union government is to permit the apportionate use of federal finances, or by arranging proportional assistance from other states.

To help start off the proposed autonomous government in the Southern Philippines, additional funding support and other measures were stipulated in the Senate bill. For the first six years, all internal revenue taxes collected within the area are to be retained by the regional autonomous government, without prejudice to continued block subsidies from the national government.

The Political Dimension

The incorporation of previously separate territories into nation-states has led to the displacement of traditional elites and the takeover by central authorities using people from dominant

ethnic, religious, regional or cultural groups. At the same time, national administrative systems with their different norms, practices and standards are imposed on localities. It is notable that resistance leaders have emerged from the ranks of displaced traditional and/or religious leaders, as well as the new secular elites that evolved in reaction to these territories' integration into national political systems.

To quell resentment, various states have responded by offering special arrangements for minority groups. However, many of these efforts have been found wanting.

Aceh

Indonesia passed a Law of Regional Government in 1957 but this was revoked in the late 1960s under the centralization of the New Order. Aceh was administered as a special administrative region in 1959 but this status was short-lived. Under the New Order's monopolistic leadership and highly centralized rule, no effective autonomy was possible. Regional governments functioned as field offices of the central government.³⁸ Local government officials were appointed by the central authorities and strictly monitored by the military.

Burma

Burma's 1947 constitution allowed for the Shan and Karen states to leave the union, following a plebiscite to this effect to be held ten years later. This never took place because it was overtaken by political instability which led to the caretaker government of 1958 and finally the military coup of 1960. The shift to a single party system of the Socialist Republic of the Union of Burma in 1974 led to greater centralization and the monopolization of power in the hands of the military. Dominated by the Burman majority and purged of the Karen soldiers that comprised the majority in the British colonial army, the military monopolized the exercise of governance at all levels.

Both the 1947 and 1974 constitutions were criticized for the inadequate representation of the states in the Union Parliament, the gross inequities resulting from the special privileges accorded

³⁸ Masoed, *op cit.*

to the Burman majority at the expense of the ethnic minorities, and the unsatisfactory division of powers between the Union and the states.³⁹

In 1993, the military governing as the State Peace and Development Council initiated the process of drafting a new constitution that allowed for the formation of autonomous zones, divisions and districts within regions or states of the Union. The only provision in the military's draft constitution for ethnic representation was for the election of representatives to regional or state assemblies by ethnic groups of a certain size. Since the population census is the responsibility of the authorities, smaller ethnic groups may not benefit from this provision if the statistics are manipulated. The Burmese government has not conducted a comprehensive nationwide census in some decades.⁴⁰

Moreover, the *junta's* draft constitution guaranteed that the military would dominate, with one-third of the seats in regional/state assemblies reserved for it. Whether these assemblies can make laws is unclear since the draft does little to define their scope of power.

Southern Philippines

Colonial and post-independence governments in the Philippines established special agencies to handle Moro concerns. One study lists nine administrative structures set up to deal with Mindanao and Sulu between 1899 and 1937 under the American colonial regime, and ten such units from 1957 to 1999 under various Philippine administrations. They include special military units, a department for the region, a special ministry for "Muslim Affairs," and rehabilitation and development authorities, task forces and councils.

Two autonomous government schemes have been instituted. The first was created by President Marcos. This established autonomous regions in Mindanao covering what were then Regions IX and XII. The second was constituted by an Organic Act passed in 1989 by the Philippine Congress during the term of former President Corazon Aquino. Both initiatives were

³⁹ National Council of the Union of Burma, pp.4-6.

⁴⁰ *Ibid.*, p.52.

rejected by the Moro rebels because they required a plebiscite to determine the provinces and because insufficient powers were devolved.

There are two streams to the political question. One stems from marginalization in the national polity and is therefore remedied through enhanced representation and participation in mainstream politics. The downward stream addresses the monopolistic control of the center over the local and is therefore remedied by enhancing self-governance or autonomy from central control. The following sections survey the solutions proposed by the two streams.

Downstream: Devolving Governance

Southern Thailand

The impact of the democratization of the Thai state in the 1980s trickled down to the south of the country. The former insurgency in the region was viewed as a political problem requiring comprehensive solutions, including reducing government corruption and enhancing Malay participation in the system. To improve the delivery of government programs, in 1981 an Administrative Center was tasked with coordinating all units concerned with the south. A Malay High Committee Board, placed directly under the king and with members from the five southern provinces, was created to administer the internal affairs of the region, on the basis of Islamic law. Moreover, Islamic courts were created. Malay-Muslims were appointed as governors of the five provinces and to various posts in the local bureaucracies. They have also won elective posts at the municipal level. The reforms begun in the 1980s saw the transformation of the local governmental departments into multi-racial bodies.

The 1997 Constitution further upholds the principle of the decentralization of powers to the localities within the framework of Thailand as an indivisible kingdom. Local government organizations enjoy decision-making powers over their governance, administration, personnel administration and finance, and have a popularly elected local assembly and local administrative committees. However, the law that will determine the delineation of duties and powers in the management of public services and the allocation of taxes between the national and local bodies has yet to be passed.

Burma

The constitution proposed by the opposition NCUB not only effectively subordinates the military to the civilian government, but also offers a federal structure. It claims to guarantee the “right to self-determination” for the states, defined as utmost autonomy in internal affairs and freedom from undue interference from the federal government or the governments of other member states, in order to preserve ethnic cultures and traditions, and fulfill political aspirations.

In addition, member states would be entitled to legislative, executive, and judicial powers with state congresses, which could be bicameral. Member states would also be able to establish their own security forces.

Aceh

Law No.22, as noted above, devolved political powers to the 26 provinces and 400 districts, particularly to the latter. It is claimed that the public will be better served by decentralizing powers. The role of the provincial governments are limited to the administration of central government affairs, cross-district matters, and functions that the district administrators are not yet ready to handle.⁴¹ Previously appointed local leaders such as governors, vice-governors and district/*bupati* chiefs will now be elected by the provincial/district legislature. However, these are small steps that need to be operationalized as they fall short of granting substantial autonomy. It has also been noted that it overlaps with other laws and needs to be clarified.⁴²

Southern Philippines

The 1996 Peace Agreement also provided for a regular Autonomous Government with an Executive Council and its own administrative system, a special Regional Security Force, and more *shariah* courts to be established by the region’s Legislative Assembly.⁴³

⁴¹ Crouch , pp.126-27.

⁴² For instance, the law stipulates that central government will be in-charge of national economic planning, natural resource utilization and conservation while the *kabupaten* will be responsible for agriculture, the environment and land-use issues, functions that overlap with the first set. Van Zorge, *et al, op cit*.

⁴³ “GRP-MNLF Peace Agreement” (1996), *passim*.

Among all the arrangements in place, Indonesia's regional autonomy law offers the least in terms of self-government. The merit of devolving more to the district than the provincial level also needs to be studied further, beyond current political considerations.

There is greater acceptance of the devolution of political power in present-day Thailand and the Philippines as a result of their long-term democratization processes. Thailand instituted the election of local government officials and defined the areas of devolution only recently.

The designs of the current Burmese leadership, on the other hand, ensure that the military will continue to play a dominant and controlling role over all aspects of political life, including local levels, even with local legislative and administrative bodies in place. This key element is what the alternative constitution offered by the opposition seeks to address.

Upstream: Enhancing Political Participation and Representation in National Political Processes

Upstream mechanisms refer to measures that will enhance the participation and representation of the local community in the national polity, thereby enhancing their status as a member of the whole.

Aceh

A Ministry on Regional Autonomy was created in 1999 in order to stress the importance attached to decentralization by the new leadership. However, the ministry was abolished the following year.

Southern Thailand

Thai Malay-Muslims were encouraged to set up political parties or to run as candidates in other national parties. Consequently, in Parliament Muslim areas were represented by Muslims. Malay-Muslims were also able to secure various cabinet posts such as that of deputy interior minister and foreign minister. In addition, former insurgents were provided with jobs in the civil service and integrated into the security forces.

Burma

The opposition NCUB's proposed constitution seeks to enhance the representation and participation of ethnic groups in national bodies such as the armed forces and the civil service. It states that federal armed forces units would be drawn from states on a proportional basis. Officer cadets to be trained in the defense academies of the Navy, Army and Air Force are similarly entitled to attend on a proportional basis. Moreover, in terms of leadership, the staff of the federal armed forces would consist of one commander from each state with the chief of staff selected by the prime minister from among the members of the staff on an annually rotating basis.

The proposed NCUB constitution also stipulates that participants in senior and special service courses for civil servants are to be drawn from states on a proportional basis.

Southern Philippines

Among the laments of Muslims in the Philippines is their poor visibility in the national polity. No Muslim has risen to a top executive position in the cabinet, nor won a seat in the Philippine Senate. Thus it has been proposed that a seat be allocated for a Muslim in the Upper House.

The draft laws in Congress stipulate that, as far as practicable, at least one inhabitant of the Autonomous Region should be appointed to the cabinet with a rank of department secretary, and that at least one official in each department and constitutional body of the national government occupying executive, confidential, highly technical or policy-determining positions should come from the region. The Peace Agreement further allocated an additional sectoral representative seat in Congress for the Autonomous Government, but this was not adopted in the legislature.

Nonetheless, there are other posts where guaranteed participation has been provided. For example, the regional governor sits as an ex-officio member of the National Security Council on all matters concerning the region. At least one justice in the Supreme Court and at least two in the Court of Appeals are to come from the Autonomous Region, and a qualified person recommended by the regional governor may be appointed to the Judicial and Bar Council.

To enable more entrants into the civil service, special examinations will be held in the region if necessary for a maximum of five years from the formation of the autonomous government. Thanks to the Peace Agreement, 1,500 former MNLF guerillas are being integrated into the Philippine National Police and another 5,750 former armed combatants into the Armed Forces of the Philippines.⁴⁴

The Socio-Cultural Dimension

The imposition of a dominant “national culture” on daily life, in education and the political system has fed resistance that has been articulated within the identity discourse.

The earlier assimilationist policies in Thailand fomented resentment among its Muslim population. These policies included the replacement of *shariab* law with Thai law except for family and inheritance cases written in 1902. Compulsory education introduced in the 1920s required everyone to study the Thai language in primary school. Under the nationalist regime of Prime Minister Phibun in the late 1930s, even family and inheritance matters were subjugated to Thai law, and Muslim and Malay dress were banned, along with traditional practices like chewing betel and the areca nut.⁴⁵ A highly centralized and rigid Thai bureaucracy, with Thai as its official language and an identity based around Buddhism, restricted the participation of Malay-Muslims and resulted in fuelling alienation.⁴⁶

Ethnic minorities with their different identities are often not visible in the national symbols and representations adopted by the central authority. To be Thai or Burmese is to be Buddhist – a notion that totally ignores the presence of other religious groups in these nation-states. The Moros have also complained about the lack of recognition for their historic role in the anti-colonial struggle. The Philippine flag’s eight rays represent the eight Tagalog provinces that fought against

⁴⁴ *Ibid.*, Sections 19 and 20.

⁴⁵ Suria, p.122-23.

⁴⁶ See, for example Astri Surkhe, “The Muslims of Southern Thailand” *Southeast Asian Review* 14:1-2 (January-December 1989), and Ruth McVey, “Identity and Rebellion Among Southern Thai Muslims,” *Southeast Asian Review*, 14:1-2 (January-December 1989), for discussions on this point.

the Spanish colonizers in the 1896 Revolution. They fail to embody or give due importance to the fierce resistance put up in Mindanao, the Visayas, as well as the Cordilleras.

Cultural biases against Muslims also run deep, planted by long centuries of the Philippine's Catholicization under Spanish rule. In the mass media, Moros are portrayed as violent and untrustworthy.

In "ethnocratic" Burma, it has been noted how the state adopted the cultural attributes and values of the dominant ethnic group, the Burmans, in constructing its national history, symbols and moral values, as well as in its choice of national language and religion.⁴⁷

Upstream: Enhancing Representation and Participation in National Socio-Cultural Processes and Identity

Upstream mechanisms can generate affinity to the state. They reflect consciousness on the part of the national leadership to increase representation of minority groups in cultural agencies. In the reproduction of knowledge, they increase the visibility of these groups in areas such as national culture and history. They also prevent the proliferation of biases in the mass media and educational systems.

In Thailand and the Philippines, scholarship programs for Muslims have facilitated social mobility as well as enhancing inter-cultural interaction. To show its support, the Thai government financed the publication of Islamic textbooks for the five provinces.⁴⁸ In response to Malay-Muslim movement leaders' demands in the 1990s, Malay was made a second national language in Thailand, and Islam a second national religion. In the 1991 Constitution, freedom of religion, rather than Buddhism as the national religion, was enshrined.⁴⁹

⁴⁷ Brown, *passim*.

⁴⁸ *Ibid.*, pp.134-37.

⁴⁹ Suria, p.135.

Downstream: Protecting and Enhancing Socio-Cultural Integrity

Downstream mechanisms, meanwhile, are intended to protect and enhance the socio-cultural integrity of minoritized groups through spatial arrangements that support the full flowering of their culture and aspirations.

Southern Thailand

Muslim graduates of public schools were tapped to teach Islamic courses in state-run schools. Muslim students were allowed to observe religious practices like Friday prayers and the wearing of the head scarf. By allowing the latter, many were encouraged to enter the public school system. This consequently weakened the influence of the *pondok* (Islamic private school) system and of religious leaders.⁵⁰

The Thai government's political and economic reforms have also translated into increased interaction among Buddhists and Malay-Muslims in Southern Thailand, such as in trading activities conducted either in the Thai or Malay languages, or in multi-racial government offices and schools.

Southern Philippines

The pending Senate Bill for the Autonomous Region of Southern Philippines states that Islamic values and norms are to be perpetuated as part of education policies. Arabic replaced the major regional languages as the auxiliary medium of instruction.

Aceh

The recently-passed Law No.45 grants autonomy to Acehnese in the field of religious affairs, and enables them to formulate policies based on Islamic values, although it was noted that this is not currently high on the list of Acehnese demands.⁵¹

⁵⁰ *Ibid.*

⁵¹ "Interview with Ryass Rayidvz (Indonesian State Minister for Regional Autonomy)," in Van Zorge *et al.*, *op cit.*

Burma

The NCUB intends to have one common curriculum implemented in the public school system, with Burmese and English as the official languages of the Federal Union, while native languages may be used as official languages in individual states. Every citizen is to have the right to freely study and promote the language and literature of his/her nationality. In the past, the study and promotion of ethnic languages in schools either was either denied or actively discouraged.

The Autonomy Framework

Of the four cases examined in this study, that of Southern Thailand stands out as the one that has institutionalized political, economic and socio-cultural arrangements for peaceful coexistence within the current nation-state. This was done without necessitating a special territorial reconstruction to meet the demands of the mobilized ethnic group. Today, no organized group in Thailand pursues a separatist agenda. As a result, rather than being internally-derived, Thailand's key national security problems come from troubles in neighboring countries.

Earlier the study posited the development proposition and showed how Thailand's economic growth and expansion both at the national and local levels contributed to a favorable context for change. Economic development, as a key concern, also supported the forging of a peace agreement with the MNLF and ceasefires with the various Burmese rebel groups. The extent of economic development achieved in the latter two cases, however, is less significant compared to the Thai case.

At the same time, economic development alone will not prevent separatism -- as evidenced by separatist movements in developed countries like the UK, Canada and Spain. As noted in the Thai case, economic development came with a package of other political and socio-cultural reforms. It worked in tandem with other features including the broader context of the democratization of the Thai political system.

This leads us to a second factor: political reform and democratization. Democratization allows groups to gain confidence in their government. Democratization also provides greater scope for liberalization and for the introduction of corrective mechanisms in the political, economic and

socio-cultural spheres applicable both to national and local polities. Thus, because of the absence of democratization in Burma, the sustainability of the ceasefires forged between the military government and the various ethnic groups is open to question. The military regime apparently does not intend to devolve powers to any other body: the civilian government, local governments or civil society groups.

Meanwhile, in Indonesia, the democratization process has only begun and is taking place amid general economic and political instability. Thus, reform has been gradual and is generally perceived as being unsatisfactory. More overarching changes like a shift to federalism, while possible within the expanded power parameters of the new parliament, cannot be pursued for fear of greater instability. Continuing economic difficulties also constrain choices as far as providing more meaningful autonomy such as in devolving revenue management.

The Philippines, like Thailand, has progressed in terms of institutionalizing democratic reforms. This in fact provided the context and impetus for political negotiations with rebel groups. However, to be fully satisfactory the corrective mechanisms offered thus far have to be broadened, particularly in terms of the constitutional accommodation of an Islamic perspective of state and society.⁵² Moreover, the political leadership of Estrada in the Philippines set back gains when it resorted to a policy of war. Thus, the process set in place by the 1996 Peace Agreement with the MNLF and ceasefire negotiations with the MILF have been irreversibly set back.

The current Philippine situation highlights a third crucial factor: the quality and disposition of the political leadership. The political leadership must be convinced of the merits of finding a workable autonomy and must prefer it sufficiently in order to transcend institutional limitations. As has been argued, as self-determination is a political demand, the state must “take action, intervene and change the political arrangement.”⁵³ Without decisive action on the part of the state towards a

⁵² Thus, a University of the Philippines historian asserts that to settle the ideological war in Mindanao, there must first be a theoretical acceptance on the part of the state of the *Bangsamoro* ideal of an independent Islamic state. See Samuel K. Tan, “Three Wars and the President.” *Kasarinlan: A Philippine Journal of Third World Studies* 15:1 (2000), *passim*.

⁵³ Avner de Shalit, “National Self-Determination: Political, Not Cultural.” *Political Studies* Vol.44, pp. 906-20.

successful autonomous arrangement, government initiatives may be uncoordinated or even cancel each other out.

In the Philippines, external actors, (notably the Organization of the Islamic Conference [OIC] through its main representative Indonesia), facilitated the forging of a peace agreement with the MNLF, as well as current attempts to renew political negotiations with the MILF. Indonesia's role as mediator shows that in key cases, the strict ASEAN policy of non-interference in internal affairs can be advantageously waived. Similar roles could also be explored in relation to communal violence in Burma and Indonesia.

Thus, economic development and democratic reform can create favorable conditions for arriving at a state of peaceful coexistence. A determined political leadership predisposed to such an outcome as well as the mediation of external actors, also serves as a contributory variable for the success or failure of a solution confined to the present national boundaries in Southeast Asia.

The solution itself – a meaningful and workable autonomy - is founded on a set of corrective and assuasive features and upstream and downstream mechanisms. The end result effectively constitutes what has been described as a reasoned compromise.

The framework that emerges from this survey of autonomy mechanisms and the idea of the “reasoned compromise” is one that stands on two sets of complementary strands:

1. mainstreaming even as greater autonomy is enabled, or the introduction of upstream and downstream mechanisms based on the idea of autonomy as “being part of” at the same time as “being distinct from;” and
2. incorporation of corrective mechanisms that address rebel ethnic group demands while providing for assuasive mechanisms that respond to the dominant and other ethnic/cultural groups' fears and insecurities.

The four elements (upstream and downstream mechanisms, and assuasive and corrective features) are closely related. Together, they can produce a framework whereby comprehensive schemes suitable to particular contexts can be developed. Corrective mechanisms for aggrieved

communities are meant to operationalize two important principles: representation and participation in the national community.

The end result of this autonomy arrangement is reflected in three important principles: (1) in relation to the national polity, representation and participation of the local in national affairs and processes (political, socio-economic and cultural); (2) in the local community, the practice of autonomous governance in political, economic and social affairs; (3) and the preservation of cultural integrity.

Assuasive mechanisms are addressed to the other groups that make up the national community, and who may be minoritized or disadvantaged by the creation of autonomous areas in their locality. Thus, at the local level, their representation and participation should be guaranteed in the same way that the representation and participation of the local nationalities are guaranteed at the national level. For example, in the proposed legislation for the Southern Philippines, the regional governor is mandated to appoint three deputies representing Christians, indigenous cultural communities and Muslims. The gains, meanwhile, of groups who may have been minoritized in a new autonomous government are the preservation of national integrity (territory and identity), including guarantees to their identity and security within the national framework (upstream).

In addition, the representation and participation of other groups at the local level can be guaranteed through various concrete mechanisms such as the allocation of seats in administrative, consultative and legislative bodies, affirmative action in local educational and other social institutions, and personal autonomy in the local practice of religion, customs and tradition in the same way that personal autonomy is guaranteed to others at the national level.

In conceiving autonomy arrangements, the polity must be made receptive to the reorganization of present territorial boundaries. An autonomous arrangement can take various forms: federalism which can be of several types (symmetrical and asymmetrical, corporate, or cooperative), autonomous regions within unitary states, a range of autonomous arrangements that can be described as nominal, minimum or maximum depending on the degree of scope of devolved powers, a “zone of peace and development,” a “one country, two systems” model as exemplified by the relationship between Hong Kong and China where Hong Kong is formally designated a “special

administrative region” with considerable autonomy, and as proposed in the idea of a “Bangsa Moro Islamic Region” in the Philippines,⁵⁴ or merely decentralization, the terms of which are defined in laws such as the Local Government Code in the Philippines, or the Regional Autonomy Law in Indonesia wherein no specific constitutional status is granted to the devolved units.⁵⁵

These can be created by constitutional negotiations, dialogues, and/or amendments, or an outright charter change, by statute, treaty, referendum, administrative order, decree or proclamation and other creative, perhaps extra-constitutional but legitimate acts guided by the intent to find a lasting and peaceful solution within a single but plural nation-state.

⁵⁴ See Soliman M. Santos, Jr. “Constitutional Accommodation of a Moro Islamic System in the Philippines.” Masters thesis, Faculty of Law, University of Melbourne, September 1999.

⁵⁵ Harris and Reilly, p.157.

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