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**Autonomy in the Pursuit of Peace:  
Demarcation and Territorial Accommodation in Indonesia and the Philippines**

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**Abstract:** Scholarship on the advisability of territorial accommodation in conflict-torn societies prioritises attention to the political and identity-based factors that fuel societal divisions and often complicate the success of such forms of accommodation. Yet these divisions are themselves shaped by the boundaries that delineate who lives within the territory being accommodated. Here we focus on the critical question of whether the borders of the territorial unit to potentially receive autonomy are clearly demarcated when peace is established or, instead, form an essential and continued part of the post-conflict space. Where demarcation remains unsettled, elites will encourage perceptions of societal differences – among identity groups, insurgent factions, and political networks – that subsequently lead to conflict continuation or re-emergence. To evaluate this argument, we leverage two similar cases – Aceh in Indonesia and Mindanao in the Philippines – where much of the conventional wisdom fails to explain divergent outcomes in trajectories of peace and conflict.

**Keywords:** autonomy, territory, internal armed conflict, peace, Indonesia, Philippines

## **Introduction**

After decades of warfare, the Indonesian and Philippine states have resolved their respective conflicts with the regions of Aceh and Mindanao by embracing essentially the same solution – the granting of an important measure of autonomy to each region. In both cases, territorial autonomy has succeeded in ending armed hostilities between powerful insurgent organisations seeking independence and the states that sought to defeat them militarily. While autonomy has succeeded in generating negative peace, labelling these cases as ‘successes’ runs the risk of overlooking critical differences that have powerfully shaped the struggle for autonomy and facilitated or undermined it as a peacebuilding strategy. Hostilities have now largely ended in both cases, but autonomy in Mindanao continues to face far greater obstacles than in Aceh. Specifically, while the 2005 peace accord for Aceh has provided a secure basis for post-conflict politics, multiple attempts to forge autonomy in Mindanao from the 1970s to the 2010s have yet to establish a clear set of institutions that could successfully stabilise relations between the region and the center. Despite multiple reasons to anticipate that peaceful autonomous governance would be easier to achieve in Mindanao – including the earlier abandonment of secessionist goals by insurgents and the earlier start of peace negotiations in earnest – it has proven to be the more elusive case. If autonomy has formally brought the war to a close in both regions, why are its long-term prospects so much less promising in the case of Mindanao?

Beyond the cases of Aceh and Mindanao, the search for ways to end internal armed conflict through accommodation of aggrieved substate regions has emerged as an urgent task for peacebuilders. In the multiethnic states that emerged after decolonisation, independence often encouraged state builders to implement highly centralised forms of rule out of a fear that

centrifugal pressures might tear apart their newly independent countries. Intended to strengthen the state, centralism instead set the stage for conflict and separatism in developing countries where ethnic groups are territorially concentrated in substate regions and hold little representation in the center. In these contexts, autonomy holds significant promise as a strategy to address grievances, and has come to the fore as a common strategy of territorial accommodation precisely because it can constitute an acceptable outcome to both sides. Separatists in aggrieved regions usually face daunting odds in their aspirations for independence and may have good reason to settle for autonomy, while central governments may be unable to return to the centralised institutional designs that obtained before the onset of conflict and are often forced to accept some form of autonomy.

An extensive literature has focused on the conditions under which territorial accommodation ameliorates or exacerbates conflict.<sup>1</sup> A first generation of scholarship pitted optimists against pessimists. Optimists argued that countries with politically-activated territorial cleavages should devolve resources and authority in what has been referred to as a ‘holding together’ or ‘peace preserving’ strategy.<sup>2</sup> The more pessimistic perspective cautioned that

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<sup>1</sup> Jan Erik and Lawrence Anderson, ‘The Paradox of Federalism’, *Regional & Federal Studies*, 19 no. 2 (2009), 191-202.

<sup>2</sup> Ugo Amoretti and Nancy Bermeo, eds., *Federalism and Territorial Cleavages* (Baltimore: Johns Hopkins University Press, 2004); Donald Horowitz, ‘The Many Uses of Federalism’, *Drake Law Review*, 55 (2006), 953; Alfred Stepan, *Arguing Comparative Politics* (Oxford: Oxford University Press, 2001).

territorial accommodation through institutional design can worsen conflict and even lead to the break-up of states.<sup>3</sup> More recently, scholarship has evolved to address the factors that either boost or undermine the chances of success, with important new work that points to the role played by external actors,<sup>4</sup> diffusion effects,<sup>5</sup> and the scope of the authority being granted.<sup>6</sup> Our goal in this paper is to contribute to this scholarship by paying further and specific attention to the question of whether the borders of the territorial unit to potentially receive autonomy are clearly delineated or, instead, form an essential part of the conflict itself. Generally speaking, the literature has yet to adequately tackle the issue of demarcation, addressing what kinds of

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<sup>3</sup> Dawn Brancati, 'Decentralization: Fueling the Fire or Dampening the Flames of Ethnic Conflict and Secessionism?', *International Organization* 60 (2006), 651-685; Valerie Bunce, *Subversive Institutions* (New York: Cambridge University Press, 1999); Svante Cornell, 'Autonomy as a Source of Conflict,' *World Politics* 54:2 (2002), 245-76; Philip Roeder, 'Ethnofederalism and the Mismanagement of Conflicting Nationalism', *Regional & Federal Studies*, 19, no. 2 (2009): 203-19.

<sup>4</sup> Dawn Walsh and John Doyle, 'External Actors in Consociational Arrangements: A Re-examination of Lijphart's Negative Assumptions', *Ethnopolitics* 17:1 (2018), 21-36.

<sup>5</sup> Lars-Erik Cederman, Kristian Skrede Gleditsch, and Julian Wucherpfennig, 'The Diffusion of Inclusion: An Open-Polity Model of Ethnic Power Sharing,' *Comparative Political Studies* 51:10 (2017), 1279-1313.

<sup>6</sup> Felix Schulte, 'The More, the Better?: Assessing the Scope of Regional Autonomy as a Key Condition for Ethnic Conflict Regulation', *International Journal on Minority and Group Rights* 25:1 (2018), 84-111.

resources and authorities should be assigned to the unit receiving autonomy while insufficiently focusing on the question of *which* territories will actually be part of the presumed unit. This is problematic because, in many post-colonial societies, internal lines of jurisdictional demarcation are heavily inflected by histories of external and internal colonialism and hence subject to intense contestation.

Rather than ask whether territorially-divided countries should introduce autonomy or how much authority to devolve, we focus on how demarcation disputes shape a number of factors related to the success of autonomy as a durable form of accommodation. We do this through a close comparison of attempts to end internal conflicts in Indonesia and the Philippines, where separatist insurgents fought for decades to make the regions of Aceh and Mindanao independent from their respective states. After conflicts that killed an estimated 12,000-20,000 in Aceh and 120,000 in Mindanao,<sup>7</sup> guerrilla organisations in both regions eventually abandoned secessionist goals in favor of new autonomous regional institutions. While insurgents settled for autonomy, government negotiators agreed to offer meaningful concessions that exempted each region from critical statewide rules applied to every other region in Indonesia and the Philippines. By leveraging similarities between these cases in terms of their historical dynamics, structural causes, and formal institutional outcomes, our comparison allows us to highlight the importance of jurisdictional clarity – present in Aceh but intensely disputed in Mindanao – in reaching a

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<sup>7</sup> Edward Aspinall, *Islam and Nation* (Stanford: Stanford University Press, 2009); Paul Hutchcroft, ed., *Mindanao: The Long Journey to Peace and Prosperity* (Singapore: Anvil Publishing, 2018), xv.

peace agreement. This clarity of demarcation also affects subsequent political developments and the maintenance of peace because it can help to resolve or further exacerbate societal divisions – among social identity groups, insurgent factions, or political networks – which are understood to play important roles in peace durability. From these two important cases, our analysis suggests that clarity (or the lack thereof) in demarcation may deserve more sustained attention in the broader literature on territorial conflict and accommodation.

### **Theoretical Perspectives on Autonomy and Internal Armed Conflict**

Peacebuilding efforts through territorial accommodation have become more common in recent years.<sup>8</sup> From an empirical standpoint, they are a logical resolution to conflict insofar as they address self-governance claims within a single region while allowing the central state to remain ‘whole’. Protracted civil wars tend to result where government and insurgent forces maintain comparable strength and/or resources to continue to fight, and where conflict can be considered as failure during an iterated, interdependent bargaining process.<sup>9</sup> In such cases, territorial accommodation may be viewed as an appealing resolution because it provides sufficient benefits to both parties when the conflict endures for years or decades.<sup>10</sup>

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<sup>8</sup> Hanna Leonardsson and Gustav Rudd, ‘The “Local Turn” in Peacebuilding’, *Third World Quarterly*, 36 (2015): 825–39.

<sup>9</sup> Michael Findley, ‘Bargaining and the Interdependent Stages of Civil War Resolution’, *Journal of Conflict Resolution*, 57, no. 5 (2013): 905-932.

<sup>10</sup> Caroline Hartzell, Matthew Hoddie, and Donald Rothchild, ‘Stabilizing the Peace after Civil War’, *International Organization*, 55, no. 1 (2001): 183-208.

Despite the conceptual appeal of territorial accommodation, scholars have emphasised a number of challenges that undermine the pursuit of this peacebuilding strategy. At the core of what influences the success of territorial accommodation is the cohesiveness and consistency of each of the negotiating partners. Though central states are often assumed to function as relatively unitary actors, insurgents claiming grievances against the state rarely come to the negotiating table with a single set of preferences, strategies, or perspectives. As Cunningham highlights, increasing the number of potential veto players during conflict negotiations complicates the process through which a bargain may be struck.<sup>11</sup> This is because additional decision makers increase information asymmetries, add potentially conflicting preferences, and complicate or spoil strategic interactions in iterated negotiation processes. Where insurgents can overcome internal divisions, collective action problems, and barriers to effective signaling vis-à-vis the state, the path to successful negotiations is smoother, along with the possibility of overcoming problems of commitment credibility.<sup>12</sup> Where internal fracturing, disputes over the nature of

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<sup>11</sup> David Cunningham, *Barriers to Peace in Civil War* (New York: Cambridge University Press, 2011).

<sup>12</sup> James Fearon, 'Why Do Some Civil Wars Last So Much Longer than Others?', *Journal of Peace Research*, 41, no. 3 (2004), 275-301; James Fearon and David Laitin, 'Ethnicity, Insurgency, and Civil War', *American Political Science Review* 97, no. 1 (2003), 75-90; Barbara Walter, 'Designing Transitions from Civil War', *International Security*, 24, no. 1 (1999), 127-155; Barbara Walter, *Committing to Peace* (Princeton: Princeton University Press, 2002).



grievances, and different relationships to national actors are common within the insurgent camp(s), pursuit of territorial accommodation will be a path marked by difficulties.

This list of factors that increase complexity, and thus decrease the prospects of successful negotiations, is incomplete without the inclusion of potential disputes over demarcation, which directly contributes to how cohesive the preferences of the autonomous territory's advocates are and the consistency with which they press their claims. Designing autonomous institutions that are acceptable to both sides in the conflict is difficult enough when the borders of the would-be autonomous unit are settled. When the parameters of such territory are contested and each side disagrees over what land should be included in the newly autonomous unit, uncertainties over demarcation present a significant additional complication that can be exceedingly difficult to resolve. Here the question is not 'which authorities or resources should be devolved to the autonomous region?', but rather the logically prior question of 'which territorial units will be part of the autonomous region?' Even as, by definition, they are sparked by grievances that are territorial in nature, internal territorial conflicts around the world diverge on this critical question of whether demarcation is itself part of the conflict.

By demarcation, we refer to the drawing of borders internal to the state in order to clearly identify which specific territories will be a part of the unit to gain autonomous status.

Demarcation is a bureaucratic and technical process that is also inherently political and potentially highly fraught. Processes of demarcation can involve sensitive demographic issues and may unfold in the absence of high quality census data; for strategic reasons various parties to the conflict may even resist the accurate collection of such data. In the simplest scenario, autonomy claimants seek to control a delineated space that overlaps perfectly with a single and pre-existing administrative unit, typically a region or province at the intermediate level of

government (e.g. not “merely” a local or municipal unit of government). In this scenario, the granting of autonomy does not formally alter the status of units bordering the newly autonomous unit (though it may have important de facto consequences for those neighboring units). More complicated are scenarios in which more than one pre-existing jurisdiction needs to be merged or subdivided, where portions of pre-existing and adjacent jurisdictions will be incorporated into the newly autonomous government, and/or where non-contiguous territories seek inclusion in the newly autonomous unit. The issue of demarcation is likely to loom especially large where, rather than simply granting autonomy to pre-existing jurisdictions, a new jurisdiction is created to receive autonomy. Despite the reality that contemporary conflicts differ significantly in the degree to which they do or do not face ambiguities of demarcation, this issue has not received much sustained attention in the literature on conflict and peacebuilding, and likewise rarely appears in the most influential comparative studies of territorial accommodation.<sup>13</sup>

Taking demarcation seriously requires paying careful attention to the relationship between ‘territory’ and ‘ethnicity,’ and not conflating these key terms in conflicts that are ‘ethno-territorial.’ In many contexts, the question of where and how to draw the borders of the would-be autonomous unit has direct implications for the degree of ethnic heterogeneity within that unit. Here we emphasise the difference between two common scenarios. In one scenario, territorial

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<sup>13</sup> See for example Amoretti and Bermeo, *Federalism*; Alain-G. Gagnon and Michael Keating, eds., *Political Autonomy and Divided Societies* (New York: Palgrave Macmillan, 2012), Michel Seymour and Alain-G. Gagnon, eds., *Multinational Federalism* (New York: Palgrave Macmillan, 2012); Andrew Reynolds, ed., *The Architecture of Democracy* (Oxford: Oxford University Press, 2002); and Marc Weller and Katherine Nobbs, eds., *Asymmetric Autonomy and the Settlement of Ethnic Conflicts* (Philadelphia: University of Pennsylvania Press, 2010).

and ethnic identities largely overlap and the actors who are fighting for independence or autonomy for a clear territorial unit share both a desire to enhance that territory's powers and a common ethnic identity. These kinds of conflicts, where the demand for territorial prerogatives can harness a powerful ethnic identity, have been extensively theorised.<sup>14</sup> However, there is a second scenario in which ethnic groups that inhabit the same part of the country come together in the articulation of territorial grievances vis-à-vis the center and espouse a common language of autonomy, but diverge in their ethnic identities in the absence of a clear sense of what would exactly constitute the new autonomous entity. In contexts like these, advocates for territorial autonomy will have to work harder not just to manage 'internal' ethnic differences but to come to agreement over which territories will be included or excluded from the newly established autonomous institutions to be created. While demarcation issues may be resolved long before the conflict itself, the failure to clearly establish the territory to which an autonomous agreement applies by the conclusion of the negotiation process will complicate the process of governing in the post-conflict space as the agreement is put into practice. As a result, securing clarity over the shape and population of the demarcated autonomous territory is paramount to reduce the likelihood of conflict relapse and/or re-negotiation of the agreement.

The presence or absence of conflict over demarcation is important not just because it can directly complicate and prolong negotiations over autonomy, but also because of its indirect and potentially long-lasting effects on a number of other dynamics. In this way, demarcation issues

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<sup>14</sup> Donald Horowitz, *Ethnic Groups in Conflict* (Berkeley: University of California Press, 1985); Kristin Bakke and Erik Wibbels, 'Diversity, Disparity, and Civil Conflict in Federal States', *World Politics*, 59 (2006), 1-50.

can complicate several of the other leading factors that have indeed received more in-depth attention in the literature on territorial accommodation. In the context of high levels of ethnic heterogeneity, decisions about where exactly the borders of the autonomous unit are drawn will potentially empower certain (minority) ethnic groups over other (also minority) ethnic groups. Opposition to how borders were delimited may encourage the splintering of insurgent groups who are unhappy with the demarcation decisions that were endorsed in the peace agreement. Thus the important question of whether insurgent groups have fragmented (which tends to exacerbate conflict and imperil the prospects for peace) may be intimately connected to (prior) struggles over demarcation. Spoilers who had no intention of supporting the peace agreement may be able to leverage popular grievances over the precise delineation of the autonomous unit. Uncertainty or confusion over which territories should “rightfully” belong to the new unit may enable the emergence of new political entrepreneurs who can take advantage of these ambiguities. Finally, the failure to resolve in a permanent way the question of which territories belong in the autonomous unit may complicate questions of how that unit should be represented at the center, which is a problem because ‘shared rule’ has played such an important role as a credible signal of the central state’s commitment to ‘self rule’ in many conflicts around the world.<sup>15</sup>

### **Territorial Conflict and Accommodation: Comparing Aceh and Mindanao**

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<sup>15</sup> Sarah Shair-Rosenfield, ‘Shared Rule as a Signal of Central State Commitment to Self-rule’, *Regional & Federal Studies*, 32, no. 3 (2022): 375-92.

Considering a number of theoretically relevant variables, Indonesia and the Philippines can be considered as “most similar systems” in a two-case comparison that strongly suggests the importance of demarcation as a complicating factor in territorial accommodation. These similarities include common geographic and demographic attributes, shared regional grievances and histories of regime change, and similar approaches in the autonomous agreements that put an end to hostilities in each case. Indonesia and the Philippines are archipelago and neighboring postcolonial states whose territories include thousands of islands of disparate sizes, including the large western island of Sumatra where Aceh is located, and the large southern landmass of Mindanao. Though controlled by different colonial powers – the Dutch in Indonesia and the Spanish and Americans in the Philippines – in both cases colonisation is critical in understanding how these far-flung territories emerged in the form they did as independent states. When both countries gained independence after World War II, national governments implemented state-building models that denied significant authority and revenues to substate regions and sought to standardise the usage of a single national language. Both countries experienced the collapse of democracy and the emergence of lengthy authoritarian regimes under Suharto in Indonesia (1965-1999) and Fernando Marcos in the Philippines (1972-1986) – dictators whose repressive actions triggered the formation of guerrilla insurgencies in Aceh and Mindanao in the 1970s. Both authoritarian regimes fell when the armed forces refused to intervene in popular revolutions. The restoration of democracy in the 1980s and 90s set the stage not just for broad-based decentralisation measures but a greater willingness to negotiate forms of autonomy for

Aceh and Mindanao.<sup>16</sup> Finally, beyond shared experiences with regime change, both countries are characterised by only modest levels of state capacity.<sup>17</sup>

In addition to these state-level commonalities, similarities between Aceh and Mindanao also facilitate comparison, starting with the historical evolution of each region as part of the larger colonial state. The Sultanates of Aceh and Sulu share a celebrated pre-colonial history of geopolitical influence and storied histories of superior resistance to European colonial domination: Aceh was the last to fall to the Dutch in the East Indies and the Spanish never succeeded in controlling Mindanao. Islam arrived early in these two regions, spread through similar dynamics of commerce and the intermarriage of Arab traders with local elite families. In Aceh, Muslim clerics joined the Darul Islam rebellion in the 1950s that sought unsuccessfully to create an Islamic state in Indonesia and henceforth promoted claims that Aceh was the site of truly Islamic practice contra the statewide ideology of *pancasila*. Within the region, Acehnese identity thus became tied to the defense of a purer form of Islam in Muslim-majority Indonesia.<sup>18</sup> In Mindanao, the arrival of massive waves of Filipino Christian settlers in both the American colonial and postcolonial period put Muslim populations in Mindanao on the defensive; Christians became the majority in much of the region and the Bangsamoro retained majority status in only a portion of their traditional homeland.

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<sup>16</sup> Jacques Bertrand, *Democracy and Nationalism in Southeast Asia* (New York: Cambridge University Press, 2021).

<sup>17</sup> Paul Hutchcroft, *Booty Capitalism* (Ithaca: Cornell University Press, 1998); Erik Kuhonta, “Studying States in Southeast Asia,” in Erik Kuhonta, Dan Slater, and Tuong Vu, eds., *Southeast Asia in Political Science* (Stanford: Stanford University press, 2008), 30-54.

<sup>18</sup> Aspinall, *Islam and Nation*, 34-39.

Even as religious grievances set the stage for conflict, both regions also had cause to resent economic exploitation by the center, especially once the belief crystallised that neither region was benefiting from its significant, though distinct, natural resource endowments. In Aceh, the 1971 discovery of gas and oil deposits meant that the province became one of the largest contributors of revenue to Indonesian coffers.<sup>19</sup> According to Aspinall, ‘it was a common complaint that only a tiny percentage of revenues generated by the oil and gas industry went to the provincial government’, with limited backward or forward linkages.<sup>20</sup> While Mindanao has no hydrocarbons, the region contains much of the country’s mineral reserves and is the site of significant plantation-based agriculture.<sup>21</sup> Despite these natural advantages, each region suffers from pervasive poverty and social indicators that are worse than national averages.<sup>22</sup> The two regions also share geographic similarities, specifically their physical remoteness from national capitals and the peripheral nationalism that this can breed.

Against this backdrop of shared and long-simmering grievances, repression on the part of the state was the spark that ignited the formation of insurgencies with significant mobilisational capacity.<sup>23</sup> In Indonesia, the authoritarianism of the New Order had specific ramifications in Aceh with the discovery of natural resources in the early 1970s, followed by the creation of the

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<sup>19</sup> Priyambudi Sulistiyanto, ‘Whither Aceh?’, *Third World Quarterly* 22, no. 3 (2001): 437-52.

<sup>20</sup> Aspinall, *Islam and Nation*, 54.

<sup>21</sup> Aijaz Ahmad, ‘Class and Colony in Mindanao’, in Eric Gutierrez, ed., *Rebels, Warlords and Ulama* (Quezon City; Philippines Institute for Popular Democracy, 2000), 14.

<sup>22</sup> *World Bank Group Engagement in Situations of Fragility, Conflict, and Violence* (Washington, DC: World Bank, 2016), 32.

<sup>23</sup> Bertrand, *Democracy and Nationalism*.

Free Aceh Movement (Gerahkan Aceh Merdeka, GAM) by Hasan di Tiro. Although GAM was nearly defeated in the late 1970s and 1980s, centrally-organised human rights violations and repression in the region contributed to broader local support for GAM and a renewed rebellion in 1999 as the democratic transition unfolded. While a ceasefire was brokered in 2001, Megawati Sukarnoputri's subsequent administration viewed the continuing conflict with great concern and increased troop deployment to finally stamp out the insurgency. The 2004 Indian Ocean Tsunami that killed more than 200,000 motivated the newly-elected administration of Susilo Bambang Yudhoyono to enter into peace talks with GAM, which eventually led to the signing of the Helsinki Peace Agreement in 2005.

In Mindanao, violence between Christian death squads (*ilaga*) and Muslim populations served as one of the main pretexts that led Marcos to declare martial law in 1972, an authoritarian reversal that then greatly expanded support for the Moro National Liberation Front (MNLF). After hostilities that included the military's 1974 firebombing of Jolo on the island of Sulu with massive civilian casualties, the MNLF under the leadership of Nur Misuari concluded peace negotiations in the 1976 Tripoli Accord. However, the onset of these negotiations led to a split in the MNLF and the formation of the rival Moro Islamic Liberation Front (MILF) under cleric Salmat Hashim, which continued the armed struggle until signing its own peace agreement and autonomy arrangement in 2014.

A final similarity to underscore, and perhaps one of the most important, concerns the content of the autonomy agreements themselves. While specific details vary, the logic of the compromise achieved in each case was fundamentally the same: in exchange for laying down their arms, insurgent groups would transform into political parties with the real possibility of enjoying decision-making authority and fiscal resources controlled by the autonomous region.



Especially considering the reality that insufficient revenues can hollow out the offer of autonomy, one of the most striking similarities is the generosity of the fiscal offers from Jakarta and Manila. Specifically, Aceh was guaranteed 70% of revenue from oil and gas alongside special autonomy funds totaling approximately 2% of the country's annual General Allocation Funds,<sup>24</sup> whereas the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM) was offered automatic transfers that would be exempt from the annual appropriations process, the right to keep 75% of local revenue, and a 10-year subsidy.<sup>25</sup> Differences in the success of territorial accommodation cannot be traced to differential access to fiscal resources.

Government negotiators also made meaningful political concessions in both cases, demonstrating a willingness to symbolically and substantively recognize the distinctiveness of each region relative to all other regions in their respective countries. Most importantly, Manila ceded to the MILF's demand for a parliamentary form of regional government (a stark contrast with national-level presidentialism) and Jakarta enabled GAM to contest provincial elections in Aceh as a province-only party (which is allowed in no other Indonesian province). Other key similarities in the peace agreements include broader authority to implement sharia law, significant payments to demobilised insurgents to facilitate their transition to civilian life, and security measures that included restrictions on the presence of non-regular Indonesian military forces and the possibility of forming a Bangsamoro Police Force. Finally, although the laws that

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<sup>24</sup> Law No. 11/2006 on Aceh Special Autonomy.

<sup>25</sup> Miriam Ferrer, 'Forging a Peace Settlement for the Bangsamoro', and Abhoud Lingga, 'Building the Bangsamoro Government', in Paul Hutchcroft, ed., *Mindanao*.

would formalise each peace agreement included some reneging by the central government, the fundamental offer of autonomy survived the legislative process in each country.

### **Demarcation of the Autonomous Territory**

Despite the many similarities discussed above, one key difference between the conflicts in Aceh and Mindanao can be seen in the demarcation disputes that have bedeviled the latter case. Conflict in Indonesia over Aceh's provincial borders did occur early in the postcolonial period, but demarcation issues were settled well before the onset of the post-authoritarian insurgency and the negotiation of autonomy. This resolution contrasts sharply with Mindanao, where four different attempts to design autonomy have revealed deep and divisive disagreements over which territories should form part of the autonomous region for Muslim residents of Mindanao (e.g. the Bangsamoro or "Muslim nation" of the Philippines). In this section we examine this difference in detail, focusing on how it leads to divergent consequences, before turning to demarcation's indirect effect on other factors considered in the following section.

In the later part of colonial rule, the Dutch offered Aceh's leaders the possibility of an autonomous state separate from Indonesia, but these leaders instead opted to join the new Republic with the expectation that Aceh would remain a single constituent province. Aceh's initial absorption into North Sumatera, rather than being included as a stand-alone province, shaped a narrative of central state disregard for regional identity and prompted Acehnese support for the Darul Islam rebellion in 1953 that underpinned the eventual formation of GAM. However, Aceh's grievances over demarcation were predominantly settled in 1959 when the province was re-granted its provincial status and given nominal special status. Since that time, there have been no major substantive discussions regarding Aceh's provincial boundaries;

instead the debate has revolved around who the ultimate governing authority is within those boundaries. In all subsequent negotiations between GAM and Jakarta, especially during the democratic period, there were no doubts as to the physical territory over which those negotiations occurred: whatever prerogatives were granted would apply to the province of Aceh as demarcated decades prior. When negotiating in Helsinki, both GAM and Yudhoyono's government knew the precise geographic boundaries for which they were determining Acehnese governing authority.

Furthermore, with respect to regional borders within Indonesia, Aceh is not a province with particularly complex issues; many other provinces have substantial internal divisions that have created difficulties for establishing boundaries. In 1999, Indonesia adopted a decentralisation law that empowered Indonesia's subnational governments and simultaneously began a process of municipal creation known as *pemekaran* that allowed for new cities, regencies, and provinces to be created when localities claimed a need for self-governance.<sup>26</sup> The rush to reap the authority and financial benefits was fast and vast: over the first ten years of the process there was a 64% increase in the number of first and second-order subnational units as 7 new provinces, 34 cities, and 164 regencies were created through the subdivision or aggregation of existing units. Aceh registered typical activity during this process, with 12 regencies and 3 cities created during the 1999-2009 period, bringing the provincial total to 18 regencies and 5 cities. Yet all of the province's *pemekaraan* activity was internal – in contrast to other regions such as Borneo and Sulawesi where new province creation reflected greater internal division and discontent over the provincial makeup.

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<sup>26</sup> Sarah Shair-Rosenfield, *Electoral Reform and the Fate of New Democracies: Lessons from the Indonesian case* (Ann Arbor: University of Michigan Press, 2019), 51-52.

In contrast to Aceh, the territorial borders of the substate region to receive autonomy in Mindanao have been a hotly contested issue and one of the most difficult to resolve over decades of attempts to resolve the conflict.<sup>27</sup> Whereas Muslim insurgents envisioned a territorially extensive region that would more closely approximate the reach of their traditional influence before the arrival of Christian settlers, the reality of that settlement has served as a powerful check on this more expansive vision. Fears on the part of Christian-majority jurisdictions that they would be lumped into the autonomous region against the preferences of their Christian inhabitants have complicated the demarcation process, as have Muslim grievances that they have been wrongfully denied control over their historic homeland thanks to state-sponsored programs of resettlement.

The extensive settlement of Christian Filipinos in Muslim Mindanao has introduced significant changes in the region's demography. Formal settlement began in 1913 with the adoption of a policy to encourage thousands of Christian settlers to establish agricultural colonies in the region. Designed to undercut the peasant base of the Hukbalahap rebellion and communist insurgency, and facilitated by investments in infrastructure and public health, large numbers of Christians from Luzon and the Visayas relocated to Mindanao in the 1950s and 60s.<sup>28</sup> A combination of government programs and informal waves of migration led to three million Christian settlers arriving between 1966 and 1976.<sup>29</sup> While 76% of the population of Mindanao

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<sup>27</sup> Ferrer, 'Forging a Peace', 119-21.

<sup>28</sup> Moshe Yegar, *Between Integration and Secession* (Lanham: Lexington Books, 2002), 246.

<sup>29</sup> Patricio Abinales, 'War and Peace in Muslim Mindanao', in Paul Hutchcroft, ed., *Mindanao*, 50; Ahmad, 'Class and Colony', 33.

identified as Muslim in 1903, by 1975 Muslims represented only 20% of the population.<sup>30</sup> Of the 23 provinces that constitute the island of Mindanao, only five provinces in the west and Sulu Archipelago maintained their Muslim majority by the 1970s; sizable Muslim populations remain scattered across many of the now Christian-majority provinces.

These demographic shifts played havoc with repeated attempts to demarcate the borders of the region that would receive autonomy. The Tripoli Agreement of 1976 was the first attempt to end the war through autonomy, which led Marcos to accept the MNLF's proposals for a single autonomous region composed of 13 provinces. Although the Tripoli agreement was never implemented, what is critical is that its generous territorial extension set the benchmark for subsequent negotiations. Insurgent groups would subsequently insist on this "larger Mindanao" in the demarcation of the would-be autonomous unit. Re-democratisation seemed to presage new opportunities to end the conflict through autonomy; but the new 1987 Constitution referred to autonomy not for "Mindanao" but for "Muslim Mindanao," and stipulated that any autonomy arrangement would need to be approved via referendum. The MNLF interpreted this to mean that the autonomous region would be much smaller in scope than that envisioned in Tripoli and boycotted the 1989 referendum on the creation of the new Autonomous Region of Muslim Mindanao (ARMM). The ARMM was approved in only four of 13 provinces that voted, and the MNLF continued its armed struggle until finally signing a peace agreement in 1996.<sup>31</sup> A plebiscite in 2001 over the expansion of the ARMM added the province of Basilan but without its largest city Isabella, which voted down the plebiscite to the detriment of the autonomous

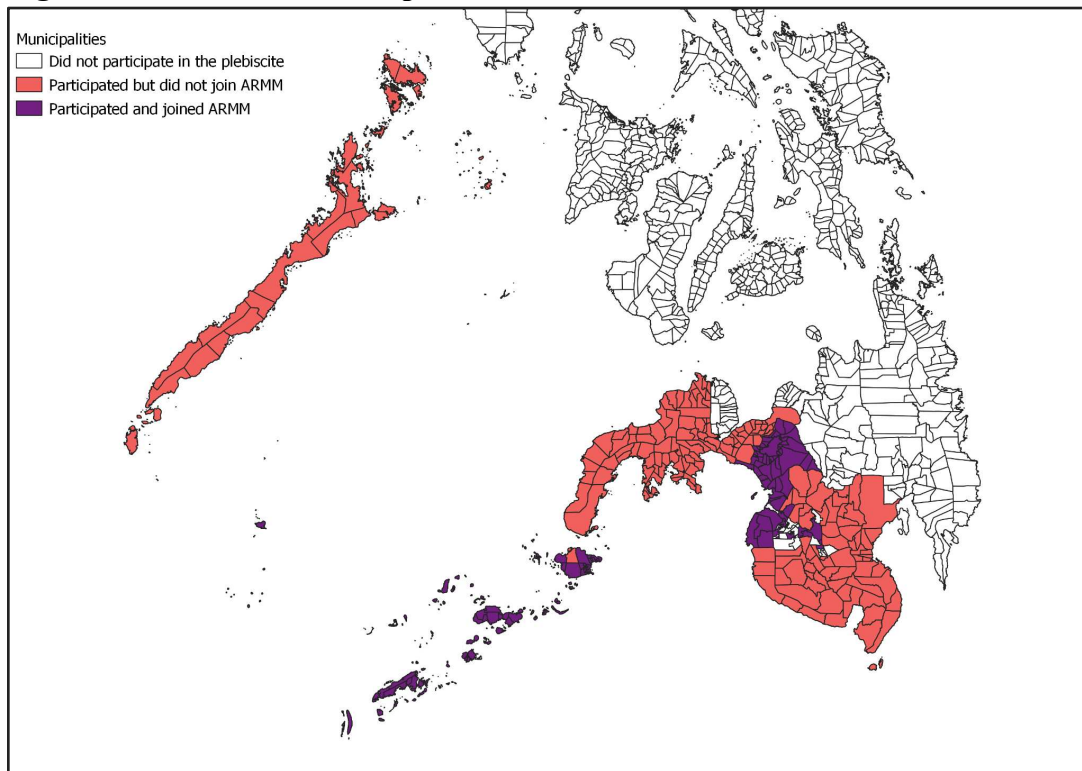
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<sup>30</sup> Yegar, *Between Integration*, 246.

<sup>31</sup> Marites Vitug and Glenda Gloria, *Under the Crescent Moon* (Manila: Philippine Center for Investigative Journalism, 2000), 40.

cause. The outcome of the 2001 referendum, shown in Figure 1, highlights the complexity of the situation. Lighter shading indicates a municipality that participated in the plebiscite but did not vote to join ARMM and the darker shading indicates a municipality that voted to join the ARMM.

**Figure 1. Results of the 2001 plebiscite<sup>32</sup>**



Contestation over demarcation also led to the failure of the next attempt by Manila to negotiate a peace agreement with the Moro Islamic Liberation Front (MILF), the group that had splintered from the MNLF. President Gloria Macapagal Arroyo (2001-2009) sought “all out peace” in the region through multiple rounds of talks with MILF leaders in Kuala Lumpur. After years of negotiation over a replacement entity called the Bangsamoro Juridical Entity (BJE), both sides agreed to a ‘Memorandum of Agreement on Ancestral Domain’ (MOA-AD) on the

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<sup>32</sup> Authors’ own elaboration.

thorniest issue: which new jurisdictions would join the BJE?<sup>33</sup> In addition to six municipalities in the neighboring province of Lanao del Norte, which voted for inclusion in the 2001 plebiscite, the MOA-AD stipulated that 3,700 additional *barangays* (villages) from other surrounding provinces could also become part of the BJE via plebiscite. As Ferrer notes, additional non-Muslim majority barangays were included ‘to serve as a “bridge” to connect the Muslim dominated barangays into one contiguous unit’.<sup>34</sup> But the possible inclusion of Christian majority territories led elected officials in those units to issue local rulings against the BJE and to request a temporary restraining order to prevent Arroyo from signing the MOA-AD before the Supreme Court could rule on its constitutionality. Amidst the renewal of sectarian violence in these localities, Arroyo announced she would not sign the MOA-AD even before the Court voted 8-7 against the memorandum.

Finally, struggles over demarcation also complicated the latest attempt to end conflict in the BARMM. The 2018 Bangsamoro Organic Law, which gave a legal foundation to the Comprehensive Agreement signed between the government and MILF in 2014, stipulated that two different plebiscites would be held to determine the dimensions of the new BARMM. In the January 2019 plebiscite, residents of the current ARMM voted on whether they supported its replacement with the BARMM. Despite the central role it played in the ARMM, the province of Sulu voted against the BARMM (54% to 46%); it was nevertheless incorporated into the new region because votes were pooled at the regional level. In the February 2019 plebiscite held in additional territories outside the ARMM, six Muslim-majority municipalities voted to join the

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<sup>33</sup> Timothy Williams, ‘The MOA-AD Debacle’, *Journal of Current Southeast Asian Affairs*, 29, no. 1 (2010):121-44.

<sup>34</sup> Ferrer, ‘Forging a Peace’, 119.

BARMM but were prevented from doing so because the province to which they belong (Lanao del Norte) voted against joining and votes were pooled at the provincial level. In a troubling sign that demarcation issues may continue to threaten the BARMM, these six municipalities remain under the sway of the MILF, which has vowed outreach to these areas despite their exclusion from BARMM.<sup>35</sup> Exemplifying the complications that resulted from the referendum-centric process, Figure 2 shows a map of the divisions at a more fine-grained level: the *barangays* within Cotabato province. Here, individual *barangays* within municipalities in the province were divided in their decisions to join BARMM or not. In sharp contrast to Aceh, whose demarcation was settled decades ago, the exact borders of the BARMM thus remain open to further alteration.

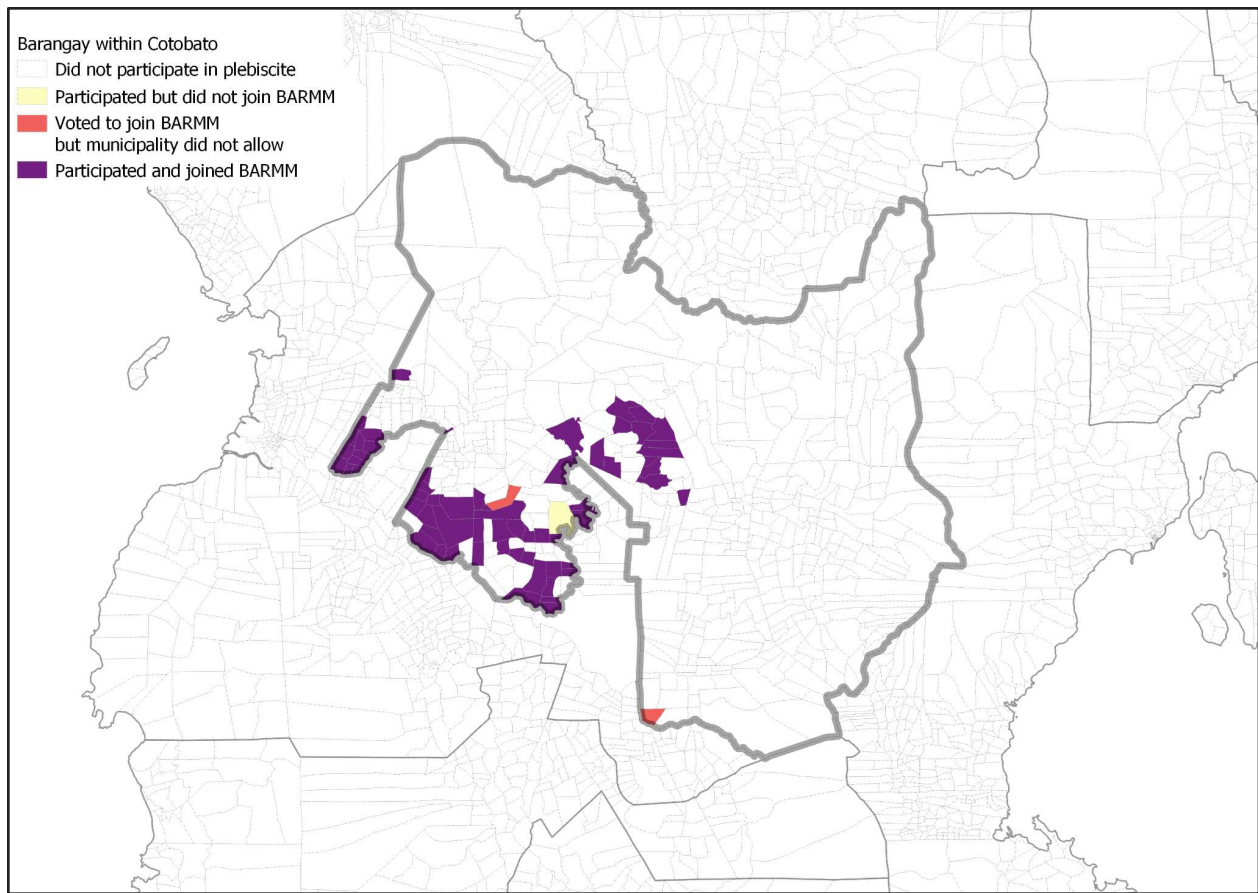
**Figure 2. *Barangay*-level Outcomes of the BARMM Referendum in Cotabato Province<sup>36</sup>**

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<sup>35</sup> International Crisis Group, ‘Southern Philippines: Tackling Clan Politics in the Bangsamoro’, Report No. 306 (2020), 15.

<sup>36</sup> Authors’ own elaboration.





## How Demarcation Shapes Other Challenges to Durable Peace

While we have shown how demarcation itself exerts an effect on the maintenance of peace, the failure to definitively establish the geographic boundaries, and constituent populations, of the autonomous region can also magnify other issues that undermine the prospects for peace. Here we turn to a discussion of how the absence of fixed boundaries can generate opportunities for elites to: 1) sow discord between members of different ethnic groups and exacerbate existing group-based differences rooted in distinct local identities and histories; 2) contribute to the splintering of insurgencies into disparate factions that often trend toward

ever-greater extremism and use of violence; and 3) discourage the creation of autonomous, identifiably regional political networks and actors who have common interests and preferences.

As previously established, there are numerous sources of societal divisions in both Indonesia and the Philippines. These include high degrees of ethnic, religious, and linguistic heterogeneity, numerous insurgencies operating within state borders, and weak and relatively fluid political party systems. This range of diversity offers a multitude of opportunities for elites to dampen or stoke points of divergence on policy preferences and governance, both within the autonomous region and between the autonomous region and the center. Where the population in a yet-to-be-demarcated territory is diverse, elites from within that territory may view the generation of between-group differences as an advantageous avenue to pursue self-interested goals. Since civil wars often occur where there are high levels of within-population diversity, which are rarely perfectly congruent with subnational administrative boundaries, this scenario is likely to emerge in the post-conflict space. Ongoing disputes or indecision about where boundaries lie – and therefore which populations are included within them – provide self-interested elites with both motive and means to stoke tensions, encourage divisions, and capitalise on opportunities to highlight an “us/them” mentality in the population.

Relatively absent in Aceh and highly salient in Mindanao, demarcation disputes in the latter case have exacerbated ethnic tensions and the perception that, while the ARMM (1989) benefited one ethnic group, the BARMM (2019) favors its rival. Unlike the case of Aceh, where the articulation of Achenese nationalism largely coincided with the expression of Achenese ethnic identity, in Mindanao the term “Bangsamoro” refers to diverse Muslim communities that have separate ethnic identities, live in different parts of Mindanao, and engage in distinct cultural practices. Four ethnic groups form 90% of the Bangsamoro: the Tausug and Samal peoples of the

Sulu archipelago and the peninsula of Zamboanga, the Maguindanao of the Cotobato region, and the Maranao of the Lanao region (both on the mainland of Mindanao).<sup>37</sup> Against this fractured ethnic landscape, Mindanao's two main insurgent organisations have been associated with rival ethnic groups. The MNLF was founded and has been dominated by the Sulu-born Tausug leader Nur Misuari, whereas the MILF was founded by Maguindanaoan cleric Salamat Hashim.

When Misuari, as leader of the MNLF, took over as governor of ARMM in 1996, his control of the new autonomous unit's bureaucratic apparatus enabled him to reward and maintain the loyalty of the Tausug-dominated rebel group as it transitioned to civilian life. Running the ARMM enabled Misuari to appoint the heads of 19 regional departments and over 19,000 employees, with critics noting that most of the ARMM's budget went for salaries.<sup>38</sup> Misuari also enjoyed additional patronage opportunities thanks to his control of the Southern Philippine Council for Peace and Development, which was included as part of the peace agreement with a budget of \$380 million. Ethnic favoritism would eventually lead two of the four non-Tausug provinces to request withdrawal from the ARMM.<sup>39</sup>

Ethnic tensions have also plagued efforts to design and implement the BARMM as the successor to the ARMM. Widespread fears that the BARMM would favor the MILF's Manguindanaon leaders emerged as a serious complication in the two 2019 plebiscites. In the first plebiscite, Sakur Tan, Tausug-leader and three-term governor of the province of Sulu, argued that the replacement of the ARMM with the BARMM was unconstitutional because the 1987 Constitution only stipulated one such region for Muslim Mindanao, and complained that

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<sup>37</sup> Yegar, *Between Insurgents*, 187.

<sup>38</sup> Ibid, 352.

<sup>39</sup> Ibid, 352.

the very concept of the ‘Bangsamoro’ was a ‘mainland imposition on the Tausug’.<sup>40</sup> In the second plebiscite on BARMM’s possible expansion, weakened ties between the Maranao ethnic group and the MILF after the 2012 death of Marano cleric and MILF leader Aleem Abdul Aziz Mimbantas reduced support for the BARMM in regions of Maranao influence. Specifically, the Maranao family clan that controls the province of Lanao del Norte (the Dimaporos) campaigned against the inclusion of six of its municipalities in the BARMM.<sup>41</sup> Ethnic tensions have thus further exacerbated the already significant challenges of determining which territories should participate in Mindanao’s new autonomous entity. Here it is important to note that, in response to fears that the BARMM will favor the ethnic groups that dominated MILF leadership (i.e. Maguindanoans), peace negotiators insisted on the participation of at least some ethnically Tausug MNLF leaders in the 80-member Bangsamoro Transition Authority (2019-2025).

Finally, the resolution of demarcation issues in Aceh but not in Mindanao has had indirect consequences for the nature of the political networks that connect these now formally autonomous regions’ elites with those in the center. Insurgents in both conflicts won institutional concessions from the state, but only in Indonesia did this concession have the effect of actually weakening linkages between the center and the clearly demarcated region. In Aceh, the Helsinki accord enabled GAM to contest provincial elections as a purely provincial party without having to organise at the statewide level; this concession has served to attenuate partisan linkages between the province and the center. The only ballots Aceh’s voters receive that are bound by the statewide rule are those for the province’s seats in the national legislature and for the Indonesian presidency and vice presidency. In the years since the rule change, no statewide party

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<sup>40</sup> International Crisis Group, ‘Southern Philippines’, 17

<sup>41</sup> Ibid, 13.

has won the popular election for the governorship.<sup>42</sup> Although demanded by GAM to ensure its own control of the province without having to form a statewide party, this self-serving move has made Aceh more politically autonomous from Jakarta, reducing incentives for local elites to perpetually invoke or stoke tensions with Jakarta.

Insurgent groups in Mindanao also won major exceptions to the institutional rules that bind other regions, but ongoing uncertainties and controversies surrounding which territories should form a part of the autonomous unit have fostered the perpetuation of non-uniform and problematic linkages with Manila. As noted above, some Muslim ethnic leaders campaigned against the inclusion into the BARMM of the villages they control, arguing that they can better “pull down” resources from Manila through the activation of their own personal linkages and networks of influence. More generally, as political entrepreneurs from different Muslim communities (eg. Tausug, Maguindanao, Maranao, Samal) jockey for influence within the (still potentially fluid) borders of the BARMM, each leader faces incentives to enlist the support of national-level patrons in order to outperform rivals within Mindanao. Furthermore, unlike the local party exception in Aceh, the right that the insurgents won to set up a parliamentary system in the BARMM does little to weaken linkages between the region and the center, specifically the ties between the traditional Muslim elites and family clans who have long dominated local elected offices in Mindanao and their national patrons and party leaders in Manila.<sup>43</sup> This is

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<sup>42</sup> In 2020, the governorship transferred to Nova Iransyah of the Democratic Party when then-governor and former GAM leader Irwandi Yusuf was arrested by the Indonesian Corruption Eradication Commission.

<sup>43</sup> Francisco Lara, *Insurgents, Clans, and States* (Manila: Ateneo University Press, 2014).

Hutchcroft, *Booty Capitalism*; Alfred McCoy, *An Anarchy of Families* (Manila: Ateneo

ironic because in Mindanao it was cooperation between these traditional Muslim leaders (or datu) and the center that helped trigger the very formation of insurgencies on the part of emerging Muslim figures in the 1960s and 70s, who criticised these traditional leaders as collaborators and who agitated instead for independence from the Philippines.<sup>44</sup> Continued delays in the implementation and initial balloting of the BARMM parliamentary system (now scheduled for 2025) further exacerbate the problem, as every subsequent delay provides further opportunities for inflammatory commentary by local elites in border or disputed localities within the region.

## Conclusion

While numerous differences can be identified between Aceh and Mindanao, divergent experiences with demarcation loom large in our attempt to understand the very different prospects for peace that we see in these two cases. In Indonesia, the early and fortuitous resolution of the demarcation issue before the onset of conflict obviated the need to decide what “Aceh” is when the former combatants had to sit down and hammer out a peace accord in Helsinki; this helped them come to agreement on the new institutions that have governed this stable and geographically-uncontested unit since 2006. In the Philippines, the question of what form “autonomous Mindanao” would actually take in terms of its territorial configuration has

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University Press, 1994); John Sidel, *Capital, Coercion, and Crime* (Stanford: Stanford University Press, 1999).

<sup>44</sup> Thomas McKenna, *Muslim Rulers and Rebels* (Berkeley: University of California Press, 1998).

been the source of repeated, deeply felt, and hard-to-resolve conflict over more than five decades – not just between the government and the insurgent groups, but among the insurgent groups themselves. While both main insurgent groups aggressively resisted the demarcation of a unit that is substantially smaller than that envisioned at the start of the conflict in the Marcos era, rival insurgent groups have favored distinct resolutions of the demarcation issue, as reflected in the MNLF's preference for the ARMM agreement in the 1990s and the MILF's preference for the BARMM in the 2010s. In addition to this intra-Muslim conflict over demarcation, Christian leaders in villages that sit between Muslim-majority territories have faced additional incentives to agitate against possible expansions in the parameters of the BARMM.

This failure to clearly and definitively demarcate the would-be autonomous unit is important not only because it constitutes an additional agenda item that peace negotiators need to address, but because it can also shape a number of other factors. Here our goal is not to demonstrate that conflict over demarcation is more important than other factors that exacerbate conflict or undermine peace, but rather that it may exacerbate these factors. For example, higher levels of ethnic fragmentation and the splintering of insurgent groups are important factors that are themselves critical in explaining why the conflict in Mindanao has been harder to resolve than in Aceh. But these factors are not entirely independent of persistent struggles over which territories should be incorporated into the newly autonomous unit. Removing the issue as a source of contention in Aceh meant that peace builders could focus “simply” on the already complex and contentious issues related to postconflict reconstruction, the implementation of sharia, and the GAM's transformation into a political party. In Mindanao, whether and how the BARMM will expand to include currently unincorporated territories is a recipe for continued intrusion by national politicians from Manila.

Our central argument about the importance of demarcation may not be welcome news for institutional engineers. In peace negotiations, representatives of each side focus on the design of institutions to govern the newly autonomous unit, bargaining over which electoral rules will be deployed, which administrative prerogatives will be granted, and which fiscal resources will remain in the now autonomous unit. But the engineering of rules to be applied in a governing unit presumes and requires underlying and logically prior agreement about the exact territorial domain of that unit. Not entirely unlike Robert Dahl's argument that there is no democratic way to determine the dimensions of the unit to which democracy would then be applied (Dahl 1989), underlying conflict over the dimensions of the unit that will gain autonomy may be very hard to resolve – and much less subject to bargaining than the design of electoral, administrative, and fiscal rules.<sup>45</sup> Although we are skeptical of the prospects of institutional engineering in the context of deep-seated disagreements about demarcation, a solution that satisfies, rather than fully satisfies either side, may be what central negotiators should consider pursuing. In the Philippines, the approach to potential enlargement that was incorporated into the BARMM offers one example. To accommodate Muslim grievances about traditional homelands left out of the BARMM, while simultaneously appeasing Christian fears of being added to the BARMM in a 'top down' fashion, villages outside the BARMM can opt to join it in the future through a two-phase 'bottom-up' process of signature gathering followed by a plebiscite. While this can lead to different vote outcomes by villages within the same municipality, it may serve to sufficiently placate local populations, even as it prolongs uncertainty about the long-term shape that the BARMM will ultimately take.

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<sup>45</sup> Robert Dahl, *Democracy and Its Critics* (New Haven: Yale University Press, 1989).