Global interests, polarisation, and territorial challenges

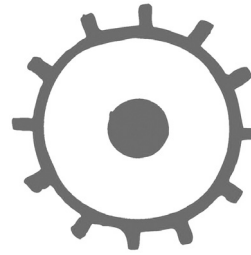# Journal of Autonomy and Security Studies

About JASS

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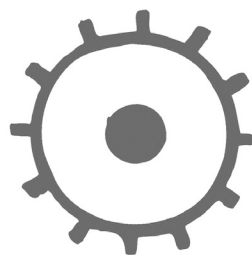
Foreword

Global interests, polarisation, and territorial challenges

The Russian invasion of Ukraine has created a polarisation on a global level that is seldom seen in times following the end of the Cold War. Beyond the surface of alleged Russian unity, the dynamics of Russia's political actions during the invasion, such as the declared independence of the Ukrainian regions of Luhansk and Donetsk as independent states, has created new life and inspiration to several ethnically defined regions within the Russian Federation – regions which think that if these Ukrainian territories can go independent, why can't we?

The point here is not to discuss Russia's political future, but to make the observation that war and armed conflicts, usually taking place on various levels of intensity, do not only affect immediate and proclaimed purposes, but have repercussions on different concerned levels where political actors are formed and active. The global state system is from this point of view never monolithic, stable, or fully predictable. Instead actors are moving between levels, as the day-to-day situation allows for furthering one's political interests. In brief, whether being a state or a sub-state unit, global politics matters, and sometimes creates issues that are necessary to deal with, being they an imposition from outside or an opportunity seen from inside.

The contributions in this issue of the Journal of Autonomy and Security Studies all give interesting perspectives on the challenges that states and territories inside states are sharing in dealing with the surrounding world. Here we find articles on an interstate, international organisation (ASEAN), on the possibilities of non-state actors in a less organised region, the Middle East and North Africa (MENA), and finally a reflection on the management of great power competition and meddling into internal state and intra-state territorial interests.

In brief, this issue reminds us about the complexity of this world – something particularly valuable in times when a simplistic polarisation is getting increasingly common in global analyses.

Kjell-Åke Nordquist
Editor-in-Chief

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COMMENTARY

Journal of Autonomy and Security Studies

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Post-conflict Decentralisation in MENA: The Potential Role for Non-State Actors, Extra-legal Arrangements, and Non-territorial Autonomy

Jan Gwidon Byczkowski

Abstract

Decentralisation is a buzzword commonly utilised in relation to post-conflict state-building and peacebuilding efforts, including in the MENA region. However, its theory and practice are still burdened by the Western heritage of classical political thought. Instead, the author proposes a more tailored approach, in which those common assertions are confronted with the conditions on the ground. Throughout the paper, the tradition of limited statehood, the prevalence in many areas of non-state political actors, as well as the importance of traditional law are analysed. The evidence suggests that non-state actors are likely to play a significant role after the conflict ends, whether it is desired by politicians or not. As such, accommodating them based on contemporary and historical examples as well as innovative mechanisms, and accepting the possibility of legal pluralism and non-territorial autonomy arrangements, may result in new, promising decentralisation initiatives tailored for the particular conditions of Middle Eastern states.

Keywords

About the author

Jan Gwidon Byczkowski holds PhD in Political History and International Relations of the Middle East from Marmara University, Istanbul. Interested in political decentralisation in all its forms, anarchism, political theory, and the Middle East, especially with regard to cultures, minorities, internal conflicts, and the ways to resolve them. Avid reader, writer, and painter.

1. Introduction

The MENA (Middle East and North Africa) region has been an area for various inter- and intra-state conflicts since its inception in the modern form after World War I. A number of factors, including the region's geopolitical importance, natural resources, ethnoreligious makeup, and perpetuated clashes of ideas and interests of local and outside actors, have contributed to this state of affairs. In the interwar and Cold War periods, these issues were dealt with through the prism of pragmatist interests of then-colonial overlords and global and regional powers. The lack of concern for the values and the style and methods of governance presented by various rulers was evident in the Western support for highly centralised, authoritarian regimes throughout the region,[1] which themselves are the outcome of European colonialism and the mandate system. However, as the Cold War came to an end, bringing many of them down, a new set of concepts and discourses was introduced into the language of world politicians and scholars alike. The most prominent ones were "democratisation" and "democracy promotion", the very ideas behind increased US interventionism around the globe.[2] At the same time, in the context of newly "democratised" states and those which experienced internal armed conflicts, federalism and decentralisation (that is, transfer of certain powers to subnational units) started to be discussed as well, becoming a buzzword for theoreticians and practitioners of politics. However, the theory and practice resulting from this push for decentralisation are still burdened by the Western heritage of classical political thought, including the dogma of the nation-state, as well as the emphasis on technical aspects of decentralisation such as capacity building and fiscal decentralisation. As a result, such initiatives and proposals, lacking insight into and interest in the particular history, tradition, and contemporary conditions encountered in conflict-ridden MENA states, are often doomed to fail. Instead, in this paper we propose an enriched approach in which those common assertions about decentralisation are confronted with the particular conditions on the ground. The paper consists of three main parts. In the first part, I will analyse some of the assumptions and political traditions informing the traditional Western approach to decentralisation and federalism in the Middle East. In the second part, I present some of the elements of

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1   Jeffrey Fields, "Why repressive Saudi Arabia remains a US ally," *The Conversation*, 03/03/2021, https://theconversation.com/why-repressive-saudi-arabia-remains-a-us-ally-156281; Bethany Allen-Ebrahimian, "64 Years Later, CIA Finally Releases Details of Iranian Coup," *Foreign Policy*, 20/06/2017, https://foreignpolicy.com/2017/06/20/64-years-later-cia-finally-releases-details-of-iranian-coup-iran-tehran-oil/; Peter J. Schraeder, Jerel A. Rosati, "Policy Dilemmas in the Horn of Africa: Contradictions in the U.S.-Somalia Relationship," *Northeast African Studies* 9, no. 3 (1987): 19–42.

2   Nicole Bibbins Sedaca, Nicolas Bouchet, *Holding steady? US democracy promotion in a changing world* (London: Chatham House, 2014), https://www.chathamhouse.org/sites/default/files/home/chatham/public_html/sites/default/files/170214DemocracyPromotion.pdf; Emiliano Alessandri, Oz Hassan, Ted Reinert, "U.S. Democracy Promotion from Bush to Obama", *Euspring Working Paper* 1 (2015), http://aei.pitt.edu/66143/1/us_dem_promotion_april15.pdf.

the Middle Eastern mosaic which may lead to failure or at best lesser effectiveness of decentralisation efforts based on Western assumptions. In the third part, a few elements of a possible decentralised solution are proposed, which could make such efforts more adaptable and suitable to conditions on the ground. Due to the scope of the article it is by no means an exhaustive study of Middle Eastern decentralisation, but rather an exploration of often neglected aspects of decentralisation in the regional context. It is based on parts of my PhD dissertation,[3] as well as a conference presentation for SPADE conference in Doha in 2021.

2. The general approach to decentralisation in the MENA region

Before attempting to provide elements of a solution suitable to the region, it would be useful to provide a short overview of the current approach of politicians and scholars alike. It is crucial to stipulate that, while this approach will be deemed as "Western", not only Westerners exhibit it. The local theoreticians and practitioners of politics follow the same line of thinking, as it provides them with certain benefits which I will discuss below. While there are many elements that could be discussed here, only a handful of crucial ones will be presented for the sake of brevity.

2.1 The "tradition" of unitary statehood

The origins of nations and nation-states are a subject of continuous debate. Some, like Gellner, suggest the ties between nationalism and resulting nation-states, and the emergence of industrial society characterised by the prevalence of "high culture" and deems them simply a product of the "age of nationalism".[4] A similar understanding of the emergence of the nation is shared by Benedict Anderson, who accredits the development of communication and transportation technologies with the emergence of nations, his "imagined communities".[5] Nonetheless, the emergence in Europe of nations as we know them was a painful process, which started back in the 18th (according to Anderson) or 17th (Gellner) century.[6] Nationalism and movements driven by it gained momentum only in the late 18th and throughout the 19th century. Even then, the new ideology of common heritage and the existence of a "nation" was shared by an educated minority, with lower classes

3   Jan Gwidon Byczkowski, *Decentralisation in the Middle East: Towards a Regional Model* (Istanbul: Marmara University, PhD Thesis, 2022).

4   Ernest Gellner, *Nations and Nationalism*, (Oxford: Basil Blackwell, 1983), 52–55.

5   Benedict Anderson, *Imagined Communities. Reflections on the Origin and Spread of Nationalism*, (London: Verso, 2006), 37–46.

6   B. Anderson, op.cit., 5; E. Gellner, op.cit., 4, 39–43.

and people living in rural areas largely oblivious to this revolution. Changes in social and economic structures and technological developments paired with political turmoil resulted after centuries in the emergence of European nations and first nation states. Many emerging nations were at the time ruled by others and conducted uprisings and liberation movements to emerge as independent states. As such, even in Europe, the process was a relatively recent one, starting to play an important political role in the 18th and 19th centuries.

Despite this, the existence of a "nation" and the tradition of a unitary nation-state is accepted by many as given in the context of the Middle East. The root cause of widespread adoption of this essentially European concept is the parcellation of the region by colonial powers, forcing many freedom movements to adopt the terminology of the enemy and, initially for pragmatic reasons, to accept the borders imposed by the Western powers.[7] This pragmatism, however, was never accepted en masse, prompting the popularity of various pan- movements (Pan-Syrianism, Pan-Arabism, Pan-Islamism).

The acceptance of the unitary status quo among political elites is expressed in two distinct ways. On the one hand, it may be explicit. One may say that "Middle Eastern governments have historically featured unusually powerful unitary governments with few constraints on their authority",[8] or that Iraq got its first constitution in 1876 as a unified country.[9] One may claim that the centralisation in post-colonial states was demanded by the population without questioning the colonial design of these polities, as well as majoritarian character and reliability of referenda in authoritarian settings.[10] Politicians may issue calls for national unity and deem them a high priority of the state.[11] On the other hand, this assumption may be expressed implicitly in the distrust towards attempts at decentralisation/federalisation of states in the region. They may be thought of as either unsuitable for the traditionally unitary states, as causes of armed conflicts, or as foreign plots to destroy this unity.[12] Even nationwide protests may be portrayed this way.[13]

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7   Philip Shukry Khoury, *The Politics of Nationalism: Syria and the French Mandate, 1920–1936* (Cambridge: Harvard University, PhD Thesis, 1980), 57–58, 103–106, 164–167, 185–188, 515–534; Susan Gilson Miller, *A History of Modern Morocco* (Cambridge: Cambridge University Press, 2013), 130–134, 143–156; Alf Andrew Heggoy, "The Origins of Algerian Nationalism in the Colony and in France", *Muslim World* 58/2 (April 1968), 128–140.

8   Mila Versteeg, "Federalism in the Middle East: A Collection of Essays", *Lawfare*, 13/08/2018, https://www.lawfareblog.com/federalism-middle-east-collection-essays.

9   Saad N. Jawad, "The Iraqi Constitution: Structural Flaws and Political Implications," *LSE Middle East Centre Paper Series /01*, 11/2013, p. 6, http://eprints.lse.ac.uk/54927/1/SaadJawad_Iraqi_Constitution_LSE_Middle_East_Centre_WP01_Nov2013.pdf.

10   Radwan Ziadeh, "Why Federalism Is a Bad Idea for Syria," *Arab Center Washington DC*, https://arabcenterdc.org/resource/why-federalism-is-a-bad-idea-for-syria/.

11   "Algerian president urges for preservation of national unity", *CGTN*, 25/03/2018, https://africa.cgtn.com/2018/03/25/algerian-president-urges-for-preservation-of-national-unity/.

12   Ziadeh, "Why Federalism Is"; Isa Blumi, *Destroying Yemen. What Chaos in Arabia Tells Us about the World* (Oakland: University of California Press, 2018), 193–199.

13   "Yemen unrest: Thousands join protests against Saleh," *BBC News*, 01/03/2011, https://www.bbc.com/news/world-middle-east-12608932; James Reynolds, "Turkey's Erdogan and year of 'foreign plot'," *BBC News*, 27/12/2013, https://www.bbc.com/news/world-europe-25497127; Heba Saleh, "Egypt's rulers warn

No matter the form it takes, the assumption of the unitary, centralised nature of statehood in the MENA region brings about the further assumption of its monopoly over the political affairs of the people and its penetration of the society, similar to the Western counterparts. This, in turn, brought about highly centralised, authoritarian regimes which through the politics of clientelism, sectarian or ethnic violence, and marginalising certain groups in their respective societies, have laid the groundwork for many of the conflicts we witness today or have witnessed in the not-so-distant past.

2.2 The fixed distinction between "federal" and "unitary" and the resulting approach to decentralisation in "unitary" states

The field of federal studies is by no means a new one and has enjoyed the interest of scientists since the emergence of the first modern federation – the United States. As the old federations such as the USA, Canada, and Australia underwent changes throughout the 20th century, and the new federations emerged especially as the result of decolonisation, the interest in federations only grew over the decades. This development introduced so-called "holding-together" federations established from previously unitary states, as opposed to the "getting-together" federations of old.[14] However, despite the increasingly diversified federal landscape and increasingly sophisticated federal studies to describe this new reality, certain assumptions still hold sway among political scientists. The primary one is the dichotomy between "federal" and "unitary" states, which seems untenable once one embarks on investigating the peculiarities of many supposedly federal yet highly centralised states, as well as ones which are outwardly "unitary" while maintaining high degrees of autonomy for their constituent units (CU). As an example, Nigeria and Malaysia are federations, yet their CUs are largely marginalised and stripped of most powers usually associated with federal subnational governments.[15] At the same time, Spain and the UK are unitary, yet Spanish autonomous communities and the UK's Scotland enjoy autonomous rule to a degree not seen in Malaysia and Nigeria.[16] To tackle this discrepancy between the

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state faces 'foreign plot'," *Financial Times*, 21/12/2011, https://www.ft.com/content/2b899de8-2bfc-11e1-b194-00144feabdc0.

14   Alfred Stepan, "Federalism and Democracy: Beyond the U.S. Model," in *Theories of Federalism: A Reader*, ed. Dimitrios Karmis, Wayne Norman, 257–258 (London: Palgrave Macmillan, 2005).

15   Kai Ostwald, "Federalism without Decentralization: Power Consolidation in Malaysia," *Journal of Southeast Asian Economies* 34, No. 3 (December 2017): 488–506, https://ssrn.com/abstract=3048550; Dele Babalola, *The Political Economy of Federalism in Nigeria* (Cham: Palgrave Macmillan, 2018), 103–106.

16   Jose M. Ruano, "Functional Federalism in a Complex State: The Case of Spain," in *The Palgrave Handbook of Decentralisation in Europe*, ed. Jose Manuel Ruano, Marius Profiroiu, 77–102 (Cham: Palgrave Macmillan, 2017); June Burnham, "Fragmentation and Central Control: Competing Forces in a Disunited Kingdom," in *The Palgrave Handbook of Decentralisation in Europe*, ed. Jose Manuel Ruano, Marius Profiroiu, 123–156 (Cham: Palgrave Macmillan, 2017).

theory and reality many scholars employ intermediary categories, talking of states with "federal qualities" or "elements".

As the result of this fixed distinction, the decentralisation in unitary states, including in the context of the MENA states, be it administrative, fiscal, or political, is often treated as just a matter of efficiency and at best as an additional tool to strengthen democracy rather than a political process as long as it is not presented as "federalisation."[17] In the Middle East, historical examples of this utilitarian and technical approach focused on "efficiency" and solving economic/administrative issues or – in radical cases – creative booking include Yemen's decentralisation schemes,[18] Sudan's failed federalism,[19] and one-sided Kurdish autonomy schemes during the reign of Saddam Hussein.[20]

This approach negates the observations of many scientists that the "unitary" and "federal" or even "confederal" are the radical ends of a very complicated and continuous spectrum, within which some federations may be less decentralised politically than some officially unitary states with high levels of regional autonomy.[21] Moreover, the classical notion of federation and decentralisation as territorial leads to largely ignoring the possibility of non-territorial autonomy (NTA), autonomy granted to people without consideration for their location as opposed to territorial autonomy, as a viable alternative. While there is a growing body of literature regarding the historical examples of NTA in Europe and the MENA region as well as contemporary attempts at establishing it, it remains a fringe topic, suppressed by the focus on territoriality.[22] NTAs are discussed further in subchapter 4.3 of this paper.

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17   Mehmet S. Tosun, Serdar Yilmaz, "Centralization, Decentralization and Conflict in the Middle East and North Africa," *Middle East Development Journal* 2/1 (2014): 1–14; "Fiscal Decentralization and Poverty Reduction," *UNDP*, https://www.undp.org/content/undp/en/home/librarypage/poverty-reduction/fiscal-decentralization-and-poverty-reduction.html;. "What, Why, and Where," *The World Bank*, http://www1.worldbank.org/publicsector/decentralization/what.htm; OECD, *Making Decentralisation Work. A Handbook for Policy-Makers.* (Paris: OECD Publishing, 2019), 107–118.

18   Charles Dunbar, "The Unification of Yemen: Process, Politics, and Prospects", *Middle East Journal* 46/3 (Summer 1992), 456–476.

19   Atta El-Hassan El-Battahani – Hassan Ali Gadkarim, "Governance and Fiscal Federalism in Sudan, 1989–2015", *Sudan Report* 1 (Chr. Michelsen Institute, March 2017); Dennis A. Rondinelli, "Administrative Decentralisation and Economic Development: the Sudan's Experiment with Devolution", *The Journal of Modern African Studies* 19/04 (December 1981), 595–624.

20   Kerim Yildiz – Tom Blass, *The Kurds in Iraq. The Past, Present and Future* (London: Pluto Press, 2004), 17–22; Charles Tripp, *A History of Iraq* (Cambridge: Cambridge University Press, 2007), 203–206.

21   Stanislaw Ehrlich, "Theoretical Reflections on Federations and Federalism," *International Political Science Review / Revue internationale de science politique* 5, No. 4 (1984): 359–367; Liam Anderson, *Federal Solutions to Ethnic Problems. Accommodating Diversity* (Oxon: Routledge, 2013), 264; Dawn Walsch, *Territorial Self-Government as a Conflict Management Tool* (Palgrave Macmillan, eBook, 2018), 3; Jonathan Rodden, "Comparative Federalism and Decentralization – On Meaning and Measurement," *Comparative Politics 36, No. 4 (July 2004): 481–500.*

22   John Coakley, "Conclusion: Patterns of Non-Territorial Autonomy," *Ethnopolitics* 15:1 (2016): 166–185; Arend Lijphart, "Consociational Democracy," *World Politics* 21, no. 2 (January 1969): 207–225; David J. Smith, John Hiden, *Ethnic Diversity and the Nation State. National cultural autonomy revisited* (Oxon: Routledge, 2012), 26–45.

2.3 The utilitarian approach to non-state actors and legal pluralism

The assumption of the paramount and profound role of the state in the MENA region and its supposed naturally unitary and centralised character leads also to a certain attitude towards non-state political actors within the state, as well as other legal systems such as customary law. Regarding the latter, customary law rather than an element of a larger legal system is often perceived as a threat to the constitutional order, which needs to be eliminated, as it threatens the monopoly of the state. Nevertheless, the deep-rooted attachment to customary law in especially rural and tribal societies throughout the region leads to the persistence of this system alongside formal state justice. Hence, although many states attempted to eliminate customary law throughout the 20th century within the scope of their nation-building efforts, nowadays many tentatively tolerate or accept the existence and even verdicts of tribal courts. This accommodation is driven by utilitarian concerns, as the states are aware that their previous decades-long attempts to eradicate customary practices did not bring expected outcomes.

To provide an example, this is the case of customary laws in countries with Bedouin populations such as Israel, Palestine, Egypt, Jordan, and Saudi Arabia, which today tentatively accept the customary law in some instances.[23] Meanwhile, in Egypt, the customary law persists despite the efforts of the government to bring Bedouins into the regular Egyptian justice system, mainly due to the remote location of Bedouin tribes (desert in the West and unruly Sinai Peninsula in the East).[24] Customary law also persists among Amazigh in Morocco, where it is partially accepted as a part of the legal system, and in

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23 Frank H. Stewart, "Customary Law Among the Bedouin of the Middle East and North Africa," in *Nomadic Societies in the Middle East and North Africa*, ed. Dawn Chatty, 239–279 (London: Brill, 2006); Kassim Alsraiha, "Deconstruction and Reconstruction: The Case of the Naqab's Tribal Courts in the Shadow of the Israeli Military Government," *The Arab World Geographer* 22, no. 3 (2019): 186–205; Clinton Bailey, *Bedouin Law from Sinai and the Negev* (New Haven: Yale University Press, 2009), 4, 37; Nurit Tsafrir, "Arab Customary Law in Israel: Ṣulḥa Agreements and Israeli Courts," *Islamic Law and Society* 13, No. 1 (2006): 76–98; Ann Furr, Muwafaq Al-Serhan, "Tribal Customary Law in Jordan," *South Carolina Journal of International Law and Business* 4, issue 2 (Spring 2008): 17–34; Nadav Samin, "Kafāʾa fī l-Nasabin Saudi Arabia: Islamic Law, Tribal Custom, and Social Change," *Journal of Arabian Studies* 2, no. 2 (2012): 109–126; Sebastian Maisel, "Tribes and the Saudi Legal-System: An Assessment of Coexistence," *MEI*, 1/10/2009, https://www.mei.edu/publications/tribes-and-saudi-legal-system-assessment-coexistence#:~:text=As%20a%20core%20principle%2C%20the,and%20the%20 worshipping%20of%20idols.

24 Lila Abu-Lughod, "Change and Egyptian Bedouins," *Cultural Survival Quarterly* 8, no. 1 (March 1984), https://www.culturalsurvival.org/publications/cultural-survival-quarterly/change-and-egyptian-bedouins; Sarah El-Rashidi, "Lawlessness Engulfs Sinai's Bedouins," *Atlantic Council*, 17/06/2013, https://www.atlanticcouncil.org/blogs/menasource/lawlessness-engulfs-sinais-bedouins/.

Algeria,[25] as well as among Arab tribes of Libya[26] and Iraq.[27] No matter the circumstances, considering the past practice and the precarious contemporary status of contemporary law, the approach of state authorities to traditional law could be at best described as utilitarian and conditional, depending on their ability to exert their influence over the rural/tribal populace. If the state capacity was to increase, we could expect a resurgence in efforts to suppress the use of customary law in these communities. Still, even if it is not willingly, tolerance for customary law could be termed as informal decentralisation, as it provides *de facto* power to those tribes.

A similar approach is exhibited towards various non-state political actors maintaining their influence as representatives of particular groups within the state, be it ethnic, tribal, religious, or certain political ideologies. In times of war, those groups are often co-opted to boost the military potential of the state. However, they often remain unrecognised by the government and are supported only unofficially. The authorities resort to using their help since such armed groups often have better ties with local communities and know the terrain. Moreover, they may easily employ tactics unacceptable in light of human rights and international treaties. If crimes or atrocities are committed by a group with no official ties to the government, the latter may easily declare that it had no knowledge of them taking place or deny any cooperation with the said group. One example of such an approach to armed non-state groups is Egypt, where the government unofficially cooperates with Bedouins to fight the Sinai offshoot of IS[28]. Saudi Arabia, too, continues to depend on tribal forces to man the National Guard, but as the case of its own Border Guard suggests, it

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25   Leila Hanafi, *The Legal System of Morocco. An Overview* (n.d.: Konrad Adenauer Stiftung, 2020), 4–6, https://www.kas.de/documents/265308/265357/Legal+System+of+Morocco.pdf/23060d5a-26e0-64a0-7b8f-8b3640d68865?version=1.0&t=1596788324505; Mohammad Smouni, "Tribal authority rules supreme in Morocco's highlands," *The New Arab*, 28/01/2015, https://english.alaraby.co.uk/english/features/2015/1/28/tribal-authority-rules-supreme-in-moroccos-highlands; Judith Scheele, "A Taste for Law: Rule-Making in Kabylia (Algeria)," *Comparative Studies in Society and History* 50, No. 4 (Oct., 2008): 895–919.

26   Mohamed Almenfi, "In Libya, Only One System of Law is Function, and it's Not a State Law," *The Libya Observer*, 27/07/2017, https://www.libyaobserver.ly/opinions/libya-only-one-system-law-function-and-it%E2%80%99s-not-state-law; Peter Cole, Fiona Mangan, "Tribe, Security, Justice, and Peace in Libya Today," *United States Institute of Peace Report* (2016), https://www.usip.org/publications/2016/09/tribe-security-justice-and-peace-libya-today; Igor Cherstich, "Libya's revolution: tribe, nation, politics," *Open Democracy*, 3/10/2011, https://www.opendemocracy.net/en/libyas-revolution-tribe-nation-politics/.

27   UNHCR, "Tribal Conflict Resolution in Iraq". (n.d.: UNHCR, 2018), https://www.refworld.org/pdfid/5a66f84f4.pdf; Katherine B. Carroll, "Tribal Law and Reconciliation in the New Iraq," *Middle East Journal* 65, No. 1 (Winter 2011): 11–29; Patricio Asfura-Heim, *"No Security Without Us": Tribes and Tribalism in Al Anbar Province, Iraq* (n.d.: CNA, 2014), https://www.cna.org/CNA_files/PDF/COP-2014-U-007918-Final.pdf.

28   Nicholas A. Heras, "Can The Sinai's Bedouin Become a Counterterrorist Force?," *Refworld*, 31/10/2013, https://www.refworld.org/docid/5295dda94.html; Brian Rohan, "Egypt arming Sinai tribesmen in fight against Islamic State," AP, 27/09/2018, https://apnews.com/article/40170c54b5b349afb1681fb8d2a26ab1; Taha Sakr, "Egyptian Bedouin trackers: the irreplaceable guide for security forces," *Egypt Independent*, 26/10/2017, https://egyptindependent.com/egyptian-bedouin-trackers-irreplaceable-guide-security-forces/.

is only a temporary solution until the state can organise recruitment on its own.[29] Similarly, Assad's regime in Syria seemingly considers or attempts to gradually integrate various militias and armed groups with the national army, including possibly local, identity-based formations such as YPG as the conflict loses its intensity.[30]

3. The reality in the Middle East

Having presented the common approach to decentralisation and its expressions in the region, fuelled by theoretical considerations adopted from the West such as the supremacy of the unitary state, perception of decentralisation as a means of increasing material wealth and systemic efficiency, and pragmatic use of non-state actors and laws as temporary fixes to be eradicated once the state reaches its "full capacity", we could ask ourselves what is the reality on the ground. Does the history of the region suggest that such mythical unity was ever a thing in the region? Were the pre-colonial/pre-mandate governments really unitary in the modern understanding of the word? Or were they decentralised? How were post-independence unity and nationalism introduced? Was it the expression of real sentiment among the people? Finally, is it even possible to simply eradicate/reintegrate various non-state actors, especially armed ones? In this part of the article I will attempt to picture the Middle Eastern realities concerning these questions, as they all should inform the approach to post-conflict state reconstruction.

3.1 The decentralised character of Middle Eastern ancien régimes

The Ottoman and Qajar Empires, who together covered most of the MENA region before the European encroachment into the region and particularly before World War I, were characterised by high levels of political decentralisation, be it formal, quasi-formal, or informal. The scope of this article does not permit a long discussion of various types of Ottoman and Qajar decentralisation, but it suffices to say that it included the autonomy

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29   Anthony H. Cordesman, *Saudi National Security and the Saudi-US Strategic Partnership: Part One: The Civil & Economic Aspects of Security* (Washington, DC: CSIS, 2010), 25, https://csis-website-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/publication/100517_SaudiaBrief_complete.pdf; Eleonora Ardemagni, "The Evolution of the Saudi Border Guard: Not Exactly a Local Force," *ISPI*, 10/09/2020, https://www.ispionline.it/en/pubblicazione/evolution-saudi-border-guard-not-exactly-local-force-27326.

30   Haid Haid, "Reintegrating Syrian Militias: Mechanisms, Actors, and Shortfalls," *Carnegie Middle East Center*, 12/12/2018, https://carnegie-mec.org/2018/12/12/reintegrating-syrian-militias-mechanisms-actors-and-shortfalls-pub-77932.

of regular provinces, autonomous provinces and subordinate statelets, as well as non-territorial autonomies of religious and tribal communities.[31]

One decentralisation measure which should attract our attention in the context of today's post-conflict state reconstruction efforts in the Middle East is the autonomy enjoyed by tribes and tribal confederations – they were granted their own particular books of law (*kanunname*) and were treated as provinces of sorts. Moreover, their tribal leaders were nominated as governors.[32] A similar system was in place in neighbouring Qajar Iran, where powerful confederations such as Bakhtiyari, Qashqa'i and Khamsa remained important political actors and autonomous units until the end of the Qajar dynasty.[33] In principle, both Ottomans and Qajars accepted the fact that many tribes/tribal confederations are transhumant, nomadic, or live in remote areas not easily accessible by regular government administration, and at least for a time preferred to engage them with the state by accepting their autonomies.

Outside of the Ottoman and Qajar realms, local states also utilised decentralised forms of governance, be it voluntarily or out of necessity. In Morocco, Berber tribes enjoyed virtual independence. Only in the 19th century, sultans attempted to stretch their control over the Atlas Mountains, but even then the tribes remained largely autonomous, forced only to provide some taxes and levies for the Moroccan army.[34] At the same time, tribes constituting the Zaydi Imamate in Yemen maintained their autonomy against the imam and were able to negotiate the conditions of their participation in the state due to them being militarily stronger than the imam, whose army was largely drawn from tribal levies.[35] Similarly, the Ibadi Imamate of Oman was maintained through a tribal alliance where

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31   Some sources include: Gábor Kármán, Lovro Kunčević (ed.), *The European Tributary States of the Ottoman Empire in the Sixteenth and Seventeenth Centuries* (Leiden: Brill, 2013); Hakan Özöğlu, *Kurdish Notables and the Ottoman State* (New York: State University of New York Press, 2004); Houari Touati, "Ottoman Maghrib," in *The New Cambridge History of Islam. Volume 2: The Western Islamic World Eleventh to Eighteenth Centuries*, ed. Maribel Fierro, 506–518 (Cambridge: Cambridge University Press, 2010); Arash Khazeni, *Tribes and Empire on the Margins of Nineteenth-Century Iran* (Seattle: University of Washington Press, 2009); Shaul Bakhash, "Center-Periphery Relations in Nineteenth-Century Iran," *Iranian Studies* XIV, No. 1–2, (Winter–Spring 1981).

32   Reşat Kasaba, *A Movable Empire. Ottoman Nomads, Migrants, and Refugees* (Seattle: University of Washington Press, 2009), 20–25.

33   Gene R. Garthwaite, *Khans and Shahs. A History of the Bakhtiyari Tribe in Iran* (London: I.B. Tauris, 2009), 51–56, 62–82; Arash Khazeni, *Tribes and Empire on the Margins of Nineteenth-Century Iran* (Seattle: University of Washington Press, 2009), 20–29.

34   C.R. Pennell, "Makhzan and Siba in Morocco: an examination of early modern attitudes," in *Tribe and State. Essays in Honour of David Montgomery Hart*, ed. E.G.H. Joffe, C.R. Pennell, 159–180 (Cambridgeshire: Middle East and North Africa Studies Press, 1991), https://minerva-access.unimelb.edu.au/bitstream/handle/11343/29103/277426_pennell_makhzansiba%28hart%29.pdf?sequence=1&isAllowed=y; Michael Peyron, *The Berbers of Morocco. A History of Resistance* (London: I.B. Tauris, 2021), 79–90, 96–99.

35   Shelagh Weir, *A Tribal Order. Politics and Law in the Mountains of Yemen.* (Austin: University of Texas Press, 2007), 229–268; Paul Dresch, *Tribes, Government, and History in Yemen* (Oxford: Clarendon Press, 1989), 158–167.

the tribal leaders chose the imam and were entitled to depose him if he did not fulfil his duties.[36]These cursory examples will not do justice to the intricacies of rule across the Middle East until World War I and the destruction of the old order, but show a larger tendency for decentralised, especially tribal-oriented arrangements existing within them.[37]

3.2 The prevalence of non-state political/military actors

Despite the state-centric narrative, apart from governments, particular identity-based and/or local armed organisations were/are the main actors in large-scale conflicts in the region. They may either fight the government to overthrow it/achieve secession of their region or ally with it to make up for the inefficient national army.

Using the example of Syria and Iraq, there is a plethora of non-state actors involved in the current conflict, either on the government or the opposition side. A similar situation has developed in neighbouring Iraq, and due to the transborder character of the war with the Islamic State as well as the fact that some of those forces are active in both countries at the same time, they can be considered simultaneously. Among those forces, I could roughly sketch the following categories:

1. **religion-based groups** such as Shia militias, Alawi-dominated militias, and Sunni/Salafi militias[38]
2. **ethnicity-based groups** such as Kurdish groups YPG and PKK[39], Turkmen militias including Sultan Murad and Seljuq Brigades[40], and Palestinian militias[41]
3. **ethnoreligious groups** such as Salafi-Kurdish groups of the Kurdish Islamic Front and Ansar al-Islam fi Kurdistan[42]

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36 Adam R. Gaiser, *Muslims, Scholars, Soldiers. The Origin and Elaboration of the Ibadi Imamate radition* (Oxford: Oxford University Press, 2010), 132–138; Hussein Ghubash, *Oman – The Islamic Democratic Tradition* (Oxon: Routledge, 2006), 33–44.

37 For further exploration of various decentralised arrangements from the perspective of formality, see the author's article: Jan Gwidon Byczkowski, "The Formality of Decentralisation in The Ottoman Empire," *Osmanlı Mirası Araştırmaları Dergisi*, 10/26 (2023): 157–178.

38 Phillip Smyth, "From Karbala to Sayyida Zaynab: Iraqi Fighters in Syria's Shi`a Militias," *CTC Sentinel*, vol. 6, issue 8 (2013): 28–32, https://ctc.usma.edu/from-karbala-to-sayyida-zaynab-iraqi-fighters-in-syrias-shia-militias/; András Derzsi-Horváth, Erica Gaston, Bahra Saleh, "Who's Who: Quick Facts About Local and Sub-State Forces," *GPPI*, 16/08/2017, https://www.gppi.net/2017/08/16/quick-facts-about-local-and-sub-state-forces; Aron Lund, "Who are the Pro-Assad Militias?," *Carnegie Middle East Center*, 02/03/2015, https://carnegie-mec.org/diwan/59215.

39 "Flight of Icarus? The PYD's Precarious Rise in Syria," *Middle East Report no. 151* (N.d.: Crisis Group, 08/05/2014), https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/syria/flight-icarus-pyd-s-precarious-rise-syria.

40 Kamal Sheikho, "Why the battle for al-Bab is pivotal in Syria," *Al-Monitor*, 15/09/2016, https://www.al-monitor.com/originals/2016/09/syria-battles-al-bab-manbij-sdf-isis-withdrawal-aleppo.html.

41 Ömer Behram Özdemir. "Pro-Regime Palestinian Militias in Syria," *ORSAM*, 02/08/2021, https://www.orsam.org.tr/en/pro-regime-palestinian-militias-in-syria/.

42 Aron Lund, "The Politics of the Islamic Front, Part 5: The Kurds," *Carnegie Middle East Center*, 30/01/2014, https://carnegie-mec.org/diwan/54367.

4. **tribal groups** such as the al-Sanadid militia of the Shammar tribe, and other tribes which participate in the Syrian war on either side[43]

5. **tribal-religious groups** such as Tribal Mobilization Forces comprising Sunni tribes from Iraq[44]

Looking at examples from other countries, in Yemen, Houthis are an identity-based yet regional militia of Zaydis hailing from Northern Yemen, while in the South there are regional militias (like STC) and tribal militias (like various groups from Hadramout and Mehr).[45] In Lebanon, Hezbollah is a regional Shiite group dominating especially the south of the country.[46] In Libya, Tuareg militias control the south of the country and act as the third force in the conflict.[47] Finally, in Turkey, apart from the PKK which is also active in Iraq, there are so-called "village protectors" (*köy korucuları*), ethnic-based militias which are utilised as rural units protecting their villages from the PKK, although their record regarding human rights violations is often disputed.[48] Moreover, in Israel, Egypt, and Saudi Arabia, ethnic/tribal military units are incorporated into the military.[49]

Those groups/units and their umbrella organisations are evaluated differently by various scholars and states, depending often on their interests and leanings. However, no matter the perspective, these organisations have so far secured footing in their respective states

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43 Haian Dukhan, Ammar Alhamad, "Fragmentation and perceived bias: The shortcomings of US policy towards tribes in Syria," *Atlantic Council*, 20/01/2021, https://www.atlanticcouncil.org/blogs/menasource/fragmentation-and-perceived-bias-the-shortcomings-of-us-policy-towards-tribes-in-syria/.

44 Erica Gaston, "Sunni Tribal Forces," *GPPI*, 30/08/2017, https://www.gppi.net/2017/08/30/sunni-tribal-forces.

45 Barak A. Salmoni, Bryce Loidolt, Madeleine Wells, *Regime and Periphery in Northern Yemen. The Huthi Phenomenon* (Santa Monica: RAND Corporation, 2010), 3–8, https://www.rand.org/content/dam/rand/pubs/monographs/2010/RAND_MG962.pdf; Emile Roy, Andrea Carboni, "Yemen's Fractured South: Shabwah and Hadramawt," *ACLED*, https://acleddata.com/2019/05/09/yemens-fractured-south-shabwah-and-hadramawt/; Ahmed Nagi, *Eastern Yemen's Tribal Model for Containing Conflict* (Washington: Carnegie Endowment, 2020), https://carnegieendowment.org/files/Nagi_Yemen_Mahri1.pdf

46 Kali Robinson, "What is Hezbollah?," *Council on Foreign Relations*. 26/10/2021, https://www.cfr.org/backgrounder/what-hezbollah.

47 Austin Bodetti, "A quiet conflict is raging in Libya's desertic south," *The New Arab*, 16/07/2019, https://english.alaraby.co.uk/analysis/quiet-conflict-raging-libyas-desertic-south; Tom Westcott, "Feuding tribes unite as new civil war looms in Libya's south," *Middle East Eye*, 10/02/2019, https://www.middleeasteye.net/news/feuding-tribes-unite-new-civil-war-looms-libyas-south.

48 Evren Balta, Murat Yüksel, Yasemin Acar, "Geçici Köy Koruculuğu Sistemi ve 'Çözüm Süreci'" (İstanbul: Süreç Araştırma Merkezi, 2020), https://surecanaliz.org/wp-content/uploads/2019/02/gkk_sistemi_ve_cozum_sureci_nihai_rapor.pdf.

49 Seth J. Frantzman, "Meet the IDF's 'Beduin battalion'," *The Jerusalem Post*, 13/10/2016, https://www.jpost.com/israel-news/meet-the-idfs-beduin-battalion-469972; Nicholas A. Heras, "Can The Sinai's Bedouin Become a Counterterrorist Force?," *Refworld*, 31/10/2013, https://www.refworld.org/docid/5295dda94.html; Brian Rohan, "Egypt arming Sinai tribesmen in fight against Islamic State," AP, 27/09/2018, https://apnews.com/article/40170c54b5b349afb1681fb8d2a26ab1; Anthony H. Cordesman, *Saudi National Security and the Saudi-US Strategic Partnership: Part One: The Civil & Economic Aspects of Security* (Washington, DC: CSIS, 2010), 25, https://csis-website-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/publication/100517_SaudiaBrief_complete.pdf.

and particular regions where they operate and have their base populations. Thus, apart from a normative approach to their actions, they warrant a pragmatic consideration of their future once those conflicts are brought to an end.

3.3 The prevalence of tribal affiliations and tribal law

The Middle East is known for the prevalence of tribal identities. Still, the perception of the predominance of tribal affiliation has led over the years to assumptions regarding Middle Eastern societies which are rather orientalist in nature. Tribal allegiance is often explicitly or implicitly assumed to be an expression of backward nature and an inability to adjust to modern conditions. Moreover, the current political climate in many states of the West makes the commentators speak of "tribalism" of contemporary politics, using the term pejoratively to describe the establishment of inflexible, opposed blocks of voters.[50] No wonder many authors, especially those from the the Middle East, attempt to downplay the prevalence of this phenomenon either qualitatively (tribes exist but do not matter much) or quantitatively (people expressing tribal affiliation are a minute minority).[51]

However, some scholars, especially those whose research is primarily focused on tribes and tribe-state relations, point out that the assumption that tribes are necessarily a backward feature, shared evenly by Western Orientalists and Eastern critics of the "tribal" picture of the region, is not necessarily true. As Richard Tapper emphasised in 1979 and reiterated in 2009, tribes are constantly evolving social organisations offering social security and stability, and are one of the valid forms of social organisation. As such, expecting their disappearance as a precondition for "modernity" shows a lack of understanding of the role and functioning of tribal organisations.[52] Moreover, as pointed out by Cherstich, tribal identity does not negate other identities and constitutes just one of the layers of identity every person possesses, together with national, regional, ethnic, religious, and class-related layers.[53] This new perception of tribes is increasingly used to analyse conflicts in the Middle East, particularly in Libya.[54]

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50   As shown in: Stevan E. Hobfoll, Tribalism. *The Evolutionary Origins of Fear Politics* (Cham: Palgrave Macmillan, 2018).

51   For example: Alaa al-Ameri, "The myth of tribal Libya," *The Guardian*, 30/03/2011, https://www. theguardian.com/commentisfree/2011/mar/30/libya-tribal-myth-national-dignity.

52   Richard Tapper, "Tribe and state in Iran and Afghanistan: an Update," *Études rurales* 184 (2009): 33–46.

53   Igor Cherstich, "When Tribesmen do not act Tribal: Libyan Tribalism as Ideology (not as Schizophrenia)," *Middle East Critique* 23, No. 4 (2014): 405–421.

54   Elena Vismara, "The contemporary nature of tribalism. Anthropological insights on the libyan case," *CMI Working Paper* 12 (2018), https://www.cmi.no/publications/6695-the-contemporary-nature-of-tribalism; Mohammed Ben Lama, *The Tribal Structure in Libya: Factor for fragmentation or cohesion?* (Fondation pour la Recherche Strategique: Observatoire du monde arabo-musluman et du Sahel, September 2017), https://www.frstrategie.org/web/documents/programmes/observatoire-du-monde-arabo-musulman-et-du-sahel/publications/en/14.pdf; Youssef Mohammed Sawani, "Dynamic of Continuity and Change," in *The 2011 Libyan Uprisings and the Struggle for the Post-Qadhafi Future*, ed. Jason Pack, 52–84 (New York: Palgrave Macmillan, 2013).

As such, it is possible to claim that in most if not all of the MENA states tribal affiliation is still present, at least in rural areas but in some even among urbanites. This, in turn, results in the dependence on tribal justice. As mentioned in the second part of this article (section 2.3), while in the urban setting the written state law seemingly reigns supreme at least during peacetime, it is not always the case in the rural areas of the MENA region. There, either written or unwritten tribal law can be encountered. I have already mentioned the Bedouin tribal law still used across Northern Africa, the Levant, and on the Arabian Peninsula, as well as Amazigh traditional law in the Maghrib states. Worth mentioning is also the written customary law of Yemeni tribes in the Zaydi north of the state, and tribal laws among Mehri and other peoples of the Yemeni-Omani border.[55] The previously mentioned cases of Libya and Iraq, where tribal law regained prominence during conflict, suggest too the resilience of this sort of legal system in the region despite continued efforts to marginalise and eliminate it. Even in Syria, some argue that to achieve peace, especially in rural areas, tribal reconciliation may be much more effective if not necessary.[56] As such, decentralisation efforts as a result of post-conflict state reconstruction efforts may benefit from taking the modern incarnation of tribalism, as well as customary law, into consideration.

4. Possible elements of the future decentralisation schemes

As presented in the second part of this article, decentralisation in the MENA region may have to take into consideration certain features of the region's past and present landscape. In the Ottoman and Qajar Empires, as well as other states in the region, decentralisation was a prominent feature and took various forms, including non-territorial decentralisation of tribes and tribal confederations. At the same time, in most of the states but especially in those which experience armed conflicts, non-state armed actors are prevalent and enjoy support from various identity groups in the society, be they religious, ethnic or tribal. Finally, tribal affiliations are still acknowledged throughout many states in the region. Not only that, but numerous communities, both nomadic and sedentary, resort to customary/tribal law in their affairs, which is either tolerated or persecuted by the governments. How, then, could somebody account for these factors in designing decentralisation for MENA states? Below I propose four arrangements which could deem such efforts more fruitful in the future.

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55   Nagi, *Eastern Yemen's Tribal Model*; Weir, A Tribal Order, 143–166.
56   Obaida Hitto, "Syria's Tribal Politics Critical to the Country's Future," *Politics Today*, 23/04/2021, https://politicstoday.org/syrias-tribal-politics-critical-to-the-countrys-future/.

4.1 The accommodation of political actors in post-war decentralisation schemes

Knowing how prevalent and powerful the non-state actors can be, attempts at decentralisation in the region should account for the accommodation of both their political and armed wings to ensure their participation and support for the newly established political system.

Regarding political life, the participation of armed non-state actors and the transition to normal, non-violent politics could be achieved through several means. The political decentralisation in itself allows for possible appeasement, as it allows especially minority, territorially coherent groups to compete not only in national but also in district/province/ state elections and win the latter. Hence, it does away with the phenomenon of permanent opposition and constant displeasure of minorities unable to win national elections, as it could happen in unitary states.[57] Political decentralisation is a way to establish pluralistic democracy as opposed to the "tyranny of the majority" which is often the case in unitary states, especially those recently transforming from authoritarian regimes.[58]

Apart from these inherent qualities of political decentralisation, states could take other steps to accommodate non-state actors, especially those representing territorially localised minorities, be they religious or ethnic. One such way could be to allow their participation in the delimitation of subnational units (states/provinces, whatever the nomenclature) or at least to allow for future modification and carving out of new units via referendum or actions of subnational legislatures. The primary case of such an approach abroad was the United States.[59] Contemporarily, the new Iraqi constitution in theory allows for the establishment or modification of provinces[60] but the unconstitutional actions of the central government, paired with the armed conflicts so far, have not allowed for such schemes to come to fruition.[61] A more functional model is that of Spain, although it took a long time to

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57   Carl J. Friedrich, "Federalism and Opposition," *Government and Opposition* 1, issue 3 (1966): 286–296; Dimitris N. Chryssochoou, "Federalism and democracy reconsidered," *Regional and Federal Studies* 8:2 (1998): 1–20; Gordon Tullock, "Federalism: Problems of Scale," *Public Choice* 6 (Spring 1969): 19–29; Jenna Bednar, Willam N. Eskridge Jr., John Ferejohn, *A Political Theory of Federalism* (World Bank, 1999), http://documents.worldbank.org/curated/en/900271468761423846/820140748_200404131103959/additional/28763.pdf.

58   Edmund Burke, *Correspondence of the Right Honourable Edmund Burke; Between the Year 1744, and the Period of His Decease, in 1797* (London: Francis & John Rivington, 1844), 147; Alexis de Tocqueville, Democracy in America. Volume 1. (Indianapolis: Liberty Fund, 2012), 410–415.

59   E. Burke; A. Tocqueville op. cit. 58.

60   *Iraq's Constitution of 2005* (n.d.: Constitute Project, 2021), art. 117–119, https://www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en.

61   M. Knights, *Iraq's Political Crisis: Challenges for U.S. Policy* (The Washington Institute, 2011), http://www.washingtoninstitute.org/policy-analysis/view/iraqs-political-crisis-challenges-for-u.s.-policy; G. Carlstrom, 'The Breakup: More Iraqis Bid for Autonomy," *Al Jazeera*, 22/12/2011, http://www.aljazeera.com/indepth/features/2011/12/201112161177518162.html; B. Francis, "Ninevah Province May Soon Request Autonomy," *Al-Monitor*, 14/01/2014, http://www.almonitor.com/pulse/security/2014/01/iraq-nineveh-province-governor-interview-anbar.html#; M. Abbas, "Resolution of Anbar Crisis Requires Security, Political Coordination," *Al-Monitor*, 3/01/2014, http://www.almonitor.com/pulse/originals/2014/01/iraq-anbar-protests-crisis-security-political-solution.html#.

form autonomous provinces in such a bottom-up process. Even if in Iraq the process starts to function as intended, it will be long and convoluted.[62] However, the slow pace and possible complications should not diverge our attention from the fact that the results could provide for much greater accommodation of minorities and non-state armed actors representing them.

4.2 The accommodation of armed non-state actors through association

The political decentralisation elements aimed at political wings of various non-state actors need to be paired with tackling their military wings. Again, the literature and case studies offer a plethora of mechanisms to do so. In the classic paradigm of the state's monopoly on violence, the aim is to either eliminate by military means, disband, or incorporate armed groups into the national army. Leaving aside the war, the popular formula to achieve disbandment and incorporation of militants is the so-called DDR, Disarmament, Demobilization and Reintegration, as promoted by the United Nations.[63] Its record is, however, mixed, with many developing countries struggling to provide economic opportunities and reintegrate the ex-militants. This, in turn, often leads to them taking up arms again or other issues.[64]

Instead, the option I would like to draw attention to here is that of association of armed groups within the scope of security decentralisation as an indirect result of political decentralisation efforts. This option, unlike the former, is not necessarily a peacebuilding solution and does not have to involve the belligerents in an intrastate conflict, but also armed groups which operate due to the weakness of the central government. Such association could take two different forms, namely:

    a) Acceptance of a non-state military actor as an autonomous part
       of a state security system

    b) Establishment of a new regional/communal force

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62   Reidar Visser, "Federalism from Below in Iraq: Some Historical and Comparative Reflections," *Historiae.org*, 2006, https://historiae.org/federalism-from-below.asp.

63   "Disarmament, Demobilization and Reintegration," *United Nations Peacekeeping*, https://peacekeeping.un.org/en/disarmament-demobilization-and-reintegration.

64   Franziska Seethaler, *Addressing the Impact of DDR Programmes: Possibilities and Challenges* (New York: United Nations University. 2016), https://collections.unu.edu/eserv/UNU:5546/Assessing_Impact_of_DDR_Programmes_160322.pdf; Paul Bonard, Yvan Conoir, *Evaluation of UNDP Reintegration Programs. Volume I. Final Evaluation Report* (UNDP, 2013), https://erc.undp.org/evaluation/evaluations/detail/6162#; Kirsten Gislesen, "A Childhood Lost? The Challenges of Successful Disarmament, Demobilisation and Reintegration of Child Soldiers: The Case of West Africa," *Norwegian Institute of International Affairs Paper* 712 (2006), https://www.files.ethz.ch/isn/27910/712.pdf.

In the case of the Middle Eastern states, both of these could be taken into consideration due to the prevalence of armed conflict throughout the region and as a result, the plethora of armed groups which took root in many states. It could be argued that DDR or assimilation of non-state militias into the national army would be sufficient, and in many cases this may hold true. However, as attested by the cases of unsuccessful DDR and assimilation programmes across the globe, and especially in less developed countries, the state does not always possesses the resources to conduct successful programmes like this due to insufficient funding, lack of proper control, or inability to prevent ex-militias from desertion and reforming their organisations. This may be an object of concern for many Middle Eastern states, especially those with financial troubles. Moreover, in some states the long-term instability and limited resources, sometimes combined with the interference of external actors, allow for those non-state actors to carve out portions of states where the state authority does not reach or can reach only with their approval. The primary example of such an outcome was the dominance of KDP-PUK in the Kurdish territories in the north of Iraq after 1991, and the role played by various militias in the war against the IS in this state.[65] Meanwhile, in Lebanon the south of the country is held by Hezbollah and its supremacy in these Shia-dominated territories is unofficially recognised due to the modified consociational agreement maintained there.[66]

The military power held by such actors, and the de facto political power stemming from it, may deem decentralisation a must and, indirectly, force the states to accept their military wings as autonomous elements of their security systems responsible for regional security in their constitutional units within the scope of a peace agreement or through the articles of a new constitution. The key example of such an enemy-turns-ally strategy was the Iraqi constitution of 2005 which grants the federal regions the right to "the establishment and organization of the internal security forces for the region such as police, security forces, and guards of the region"[67]. The main beneficiary of this passage was the KRG and its military forces, the peshmerga, which from being "enemies of the state" during the reign of Saddam Hussein and his predecessors turned into official regional security forces.

Regarding the state-allied militias in military conflicts, the practice of governments around the world suggests that they prefer to maintain only unofficial, de facto ties with such organisations to have a possibility of disbanding them once their contribution is deemed no longer needed. However, theoretically, it may not always be the case. As mentioned before, there are calls for legalisation and association of pro-government

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65   Damian Doyle, Tristan Dunning, "Recognizing Fragmented Authority: Towards a post-Westphalian Security Order in Iraq," *Small Wars & Insurgencies* 29, Issue 3 (2018): 537–559.

66   Daniel Meier, "Hizbullah's Shaping Lebanon Statehood," *Small Wars & Insurgencies* 29, Issue 3 (2018): 515–536.

67   *Iraq's Constitution of 2005*, art. 121.

Bedouin militias in Egypt which so far have gone unanswered, but this may change in the future depending on the outcome of the conflict with the local IS affiliates. Another scenario may be a "conditional alliance", in which a given militia supports the government during the civil war in return for decentralisation in the future. This is the stated aim of the PYD and its armed wing, YPG (within the wider SDF coalition), which could enter an uneasy alliance with the national army while demanding federalisation or autonomy for regions in Syria.[68] Similarly, in Yemen, the Southern Transitional Council participates in the Saudi-led coalition under the condition of autonomy for the south of the state, possibly with STC as its regional security force in the future.[69]

The second form of assimilation of non-state militia, the establishment of a new regional security force, is the least popular one. So far, the only example worth noting was the establishment of Special Regional Security Forces for the Muslim autonomy in the Southern Philippines as agreed in the 1976 Tripoli Agreement and reiterated in the 1996 Mindanao Final Agreement.[70] Still, such a unique solution could, too, be taken into consideration in future agreements with non-state actors participating in conflicts across the Middle East within the wider political agreement on decentralisation.

All these considerations do not mean that all militias/armed groups could count on association agreements with states. There are two groups of factors to consider here. First, let's call it realistic, concerns the strength and persistence of a given group. Once a conflict nears the end, many of the groups may find themselves too weak to successfully negotiate such a special position and either disband on their own or volunteer to join the army. Meanwhile, foreign-sponsored groups may also cease to operate once the conflict reaches its end. On the other hand, we also need to take into account the normative factors. Two types of groups may simply not deserve recognition or pose a continuous threat to either the state or the populace. The first one would be the aforementioned foreign-sponsored armed groups, which hardly could claim legitimacy in the eyes of the government and the people. The second one would be various extremist groups, the foremost example of which would be IS, but also al-Nusra and others. The ideologies of these groups would be in open conflict with any even semi-democratic constitution, employing a modus operandi

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68   Kirill Semenov, "Syrian officials, SDF look to Russia for support against Turkey," *Al-Monitor*, 26/09/2021, https://www.al-monitor.com/originals/2021/09/syrian-officials-sdf-look-russia-support-against-turkey#ixzz7KGf3UOjk.

69   The Embassy of the Kingdom of Saudi Arabia, *The Riyadh Agreement* (2019), https://www.saudiembassy.net/sites/default/files/Riyadh%20Agreement%20Fact%20sheet.pdf; R*iyadh Agreement between the legitimate government and the Southern Transitional Council (STC)*, Yemen – STC, 05/11/2019, https://www.peaceagreements.org/masterdocument/2235.

70   *The Tripoli Agreement*, Philippines – MNLF (23/12/1976), Art. 3, Para. 8, http://www.seasite.niu.edu/tagalog/Modules/Modules/MuslimMindanao/tripoli_agreement.htm; *Peace Agreement*, Philippines – MNLF (02/09/1996), Art. 73–90, http://peaceaccords.nd.edu/wp-content/accords/Peace_Agreement_between_the_GRP_and_the_MNLF_1996.pdf.

of terror against civilians, forcing them into submission, and without these tools would hardly enjoy widespread support.

4.3 Role for non-territorial autonomy

Non-territorial autonomy (NTA) is increasingly an object of interest for political and social sciences. As opposed to traditional territorial autonomy, NTA agreements are granted to people of certain minority groups independent of their location. In Europe, the first modern proposer of the idea was Karl Renner, who attempted to accommodate diversity in the late Habsburg Empire.[71] In the interwar period and post-Second World War West, this idea gained prominence as a tool of governance but even more so as a subject of academic inquiry.[72] Apart from religious/ethnic minorities, other groups suggested to be granted NTAs are tribes since many tribal groups are transhumant/nomadic and granting them territorial autonomy would be counterproductive.

Looking at the experiences of the Ottoman and Qajar Empires and other Middle Eastern polities with decentralisation, they granted NTAs to exactly these two types of minorities: religious minorities (*millet sistemi*) and tribes (treated as autonomous units akin to provinces). As such, NTAs for dispersed/mobile minorities are not only suggested by political scientists but also by the tradition of governance in the MENA region. Not only that, but despite urbanisation, emigration of minorities, and nationalistic policies of the 20th century, there are still groups which could benefit from NTA arrangements. Even considering only citizens and excluding long-term foreign residents, nearly all states have either dispersed religious/ethnic minorities or tribes which could benefit from such arrangements, the latter already mentioned in previous parts of this article.[73] As such, including NTAs in future decentralisation schemes in the MENA region, while unorthodox looking at decentralisation schemes worldwide, could be very beneficial.

Regarding the functions that can be performed by non-territorial autonomies, it is

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71   Karl Renner, "State and nation," in *National Cultural Autonomy and its Contemporary Crisis*, ed. Ephraim Nimni, 13–40 (Oxon: Routledge, 2005); Will Kymlicka, "Renner and the accommodation of sub-state nationalisms," in *National Cultural Autonomy and its Contemporary Crisis*, ed. Ephraim Nimni, 117–127 (Oxon: Routledge, 2005).

72   W. Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity* (Oxford and New York: Oxford University Press, 2007), 3; John Coakley, "Approaches to the Resolution of Ethnic Conflict: The Strategy of Non-territorial Autonomy," *International Political Science Review* 15/3 (1994): 297–314; David J. Smith, "Non-territorial Autonomy and Political Community in Contemporary Central and Eastern Europe," *Journal on Ethnopolitics and Minority Issues in Europe* 12, No 1 (2013): 27–55.

73   Unfortunately, the scope of this work does not allow for elaborating on the location and size of various ethnic and religious minorities. For a general overview, see: Michael Izady, *Middle East, Ethnic Groups* (map) (New York: Columbia University, 2006), https://gulf2000.columbia.edu/images/maps/Mid_East_Ethnic_lg.png; Michael Izady, *Middle East Religions* (map) (New York: Columbia University, 2006), https://gulf2000.columbia.edu/images/maps/Mid_East_Religion_lg.png.

crucial to reiterate that NTAs cover people, not territories. They are enjoyed by persons wherever they find themselves in the state, but in return they do not cover any territory. Looking at any given federal constitution, it usually outlines powers held exclusively by the federal government, powers held by states, joint powers of both, and concurrent powers of both.[74] However, of dozens of possible powers, most are organically territorial. Some, like territorial defence, environmental issues, agriculture, transportation, and infrastructure, require a hold of the territory they pertain to, be it a border, a forest, or agricultural lands. Others, like health and postal services, usually serve the local population at large. It is hard to imagine separate hospitals and postal services for various groups enjoying NTA, as it would cause problems with equality and a probable overturning by constitutional courts as well as redundancy, as some areas would have more of certain types of services and facilities than it is necessary. While redundancy is praised by Elazar and other theoreticians of federalism, it is the redundancy in political institutions, not ones serving basic human needs.[75] Thus, in the end, non-territorial autonomies could feasibly enjoy only a handful of powers in matters including culture and religion, education, international relations pertaining to cultural/religious/language matters, judiciary systems, and religious/customary law for punishing petty crimes and/or settling disputes between group members, and to some extent, taxation. The limitation of NTAs to those few areas mentioned, apart from being the logical conclusion drawn from their nature, is attested by historical and contemporary examples.[76]

To sum up the issue of non-territorial autonomy, it could benefit many dispersed minorities as well as tribes in the region, although the exact populations which would be granted such arrangements depend partially on the estimates of government regarding the "accessibility" of rural populations. No matter how big a part of the society would be covered by NTAs, the influence of such a decision would be rather marginal in comparison to territorial decentralisation. The very nature of non-territorial autonomy would allow it to become at most a *minimal non-territorial autonomy*, as the primary fields in which it could be exercised seem to be culture and religion, education, low-level international relations, internal judiciary systems, and in the case of nomadic or "inaccessible" sedentary tribes, taxation. Even if these are not necessarily all fields which can be covered on a non-territorial basis, they would nevertheless present a fraction of modern government functions.

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74   Examples: Keith S. Rosenn (ed.), *Brazil's Constitution of 1988 with Amendments through 2017*, (Constitute Project, 2021), art. 21–24; *Sudan's Constitution of 2005* (Constitute Project, 2021), Schedules A-E, https://www.constituteproject.org/constitution/Sudan_2005.pdf; Iraq's Constitution of 2005…, art. 109–115; The *Belgian Constitution* (Legal Affairs and Parliamentary Documentation Department of the Belgian House of Representatives, 2021), art. 127–140, https://www.dekamer.be/kvvcr/pdf_sections/publications/constitution/GrondwetUK.pdf.

75   Daniel J. Elazar, *Exploring Federalism* (Tuscaloosa: University of Alabama Press, 1991), 29–30.

76   John Coakley, "Conclusion: Patterns of Non-Territorial Autonomy," *Ethnopolitics* 15:1 (2016): 166–185; The *Belgian Constitution*, art. 127–133.

4.4 Legal pluralism and extra-legal decentralisation

The prevalence and persistence of customary laws in tribal affairs and among minorities in many MENA states is an unquestionable reality. As for now, this legal pluralism remains largely unofficial, as the governments either attempt to eradicate it or only tentatively accept it. Instead, in new post-conflict decentralisation schemes, they could come to terms with the *de facto* legal pluralism and turn it into *de iure* part of the legal system. Knowing the aversion of many tribal communities towards the state and its attempts to regulate their internal affairs, the new legal reality may still result in a certain degree of informality. It could be born out of general provisions of law pertaining to customary law. As an example, such a bill could just mention "customary law" as one of the legal sources in cases related to NTA members without providing the list of areas in which it can/shall be applied. On the other hand, the legislation may require NTAs to codify their customary laws or allow them to do so if they so please – such an initiative exists among the Kabyle of Algeria despite no official recognition of the government today.[77] In both cases, the community may simply decline to do so, leaving the customary law informal. Apart from the pragmatist aspect of accepting the customary law as an unescapable reality in many corners of the region, there is also the fact that tribal law can serve to bring peace to war-torn, conflict-ridden communities due to its simplicity and emphasis on reconciliation rather than severe punishment, contrary to civil law. This potential was acknowledged and promoted by NGOs and scholars in states such as Iraq, Somalia, Yemen, and Libya, although it is suggested to be one element of a bigger strategy of reconciliation.[78]

To sum up, new decentralisation schemes should allow for the inclusion of customary law, and thus a certain level of legal pluralism. The repression of tribal law seems not to be a good strategy due to its resilience. Of other choices, tolerance or accommodation without formal recognition would result in total informality of this aspect of tribal autonomy, general acknowledgement of its existence and role in the justice system would lead to quasi-formality, while the specification of certain fields in which it would operate or codification of customary laws would lead to a near-full formality of customary law or quasi-formality in the case where tribes decline to codify their laws or limit their sphere of influence to boundaries delimitated by the law. No matter the degree to which it would be

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77   Scheele, "A Taste for Law".
78   UNHCR, "Tribal Conflict Resolution in Iraq"; Carroll, "Tribal Law and Reconciliation"; Asfura-Heim, *"No Security Without Us"*; Erica Gaston, Nadwa al-Dawsari, *Dispute Resolution and Justice Provision in Yemen's Transition*, United Institute of Peace. Special Report 345 (April 2014), https://www.jstor.org/stable/resrep12230?seq=1#metadata_info_tab_contents; Andre Le Sage, *Stateless Justice in Somalia Formal and Informal Rule of Law Initiatives*. Centre for Humanitarian Dialogue Report (July 2005), https://gsdrc.org/document-library/stateless-justice-in-somalia-formal-and-informal-rule-of-law-initiatives/.

formalised, this new legal reality would seemingly benefit the decentralisation schemes as it would not antagonise tribal communities utilising customary law. Moreover, examples from around the world and the continued push for maintaining the customary laws by many warrying parties suggest that such legal pluralism would actually benefit efforts at post-conflict reconciliation and restoration of order.

5. Discussion

I am aware that in such a short paper it is impossible to delve into all nuances and provide detailed insight into the topic. Instead, the aim was to point out the specific circumstances in the region and elements of a wider decentralised design which could prove to be pragmatic and beneficial in the long run. Moreover, it is quite certain that a successful political decentralisation in the region would require much more than the elements listed out here. For example, as reiterated in the literature, democracy is the key initial condition for introducing political decentralisation.[79] Only once political decentralisation is introduced on a democratic foundation may it serve its role in preserving inclusive democracy in the long run. In the context of this article, democratic mechanisms would be crucial to ascertain the need and scope of decentralised elements proposed here. Moreover, the supposed consensus democracy would also dictate the adoption of a national constitution protecting the liberties of all its citizens. Thus, the subnational elements such as classical states or NTAs would be constrained by this general catalogue of liberties. This is especially important when empowering tribes and armed movements/militias which often maintain patriarchal structures and practice gender-based segregation, discrimination, or even violence.

Another element of the new democratic foundation for more peaceful and inclusive polities would be non-involvement of foreign powers aiming to "democratise" Middle Eastern states. As the fiasco in Afghanistan and decades of unrest in Iraq show clearly, such "good intentions" almost never bring the expected results. Any political change needs to come from within, and the same holds true for possible democratic movements and resulting decentralised regimes if the people decide that they serve their interests. Other

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79   Nancy Bermeo, "A New Look at Federalism. The Import of Institutions", *Journal of Democracy* 13/2 (April 2002), 96–110; L. Anderson, *Federal Solutions*, 253–254. Ronald L. Watts, "Federal Coexistence in the Near East: General Introduction", *Federalism: A Tool for Conflict Management in Multicultural Societies with Regard to the Conflicts in the Near East*, Thomas Fleiner (ed.) (Fribourg: Institute of Federalism, 2008), 4–16; Chibli Mallat. "Federalist Dreams for the Middle East", Lawfare (Accessed 10 March 2022). https://www.lawfareblog.com/federalist-dreams-middle-east.

elements requiring consideration include the arrangement of proper political and fiscal balance between the central and subnational governments or the international relations of the latter.

6. Conclusion

Throughout this paper, I attempted to emphasise the need to take into consideration the realities on the ground when preparing post-conflict decentralisation schemes in the MENA region. Aware of the prevalence of tribalism, the rich history of decentralisation in Middle Eastern *ancien regimes*, the prominent role tribal law enjoys, and the prevalence of non-state armed actors, decentralisation schemes instead of adhering to decentralisation orthodoxy should focus on incorporating these elements to allow for inclusive change acceptable for all actors involved. The empirical evidence from the region, both historical and contemporary, suggests that political rather than administrative decentralisation would allow for much better results, particularly in terms of accommodating the opposition and minorities. At the same time, a lenient policy of association may be necessary to impose any kind of control over some of the non-state armed groups. At the same time, the relationship between the state, dispersed minorities, and tribes could be strengthened via non-territorial autonomy agreements paired with some acceptance of customary law resulting in legal pluralism.

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ASEAN in the Conflict Management of the Rohingya Crisis

Yuan Changrui and Brice Tseen Fu Lee

Abstract

This paper explores the role of the Association of Southeast Asian Nations (ASEAN) in managing the Rohingya conflict in Myanmar with a focus on ASEAN's non-interference principle and avoidance of the use of force, as well as the various factors that have influenced its handling of the conflict. The paper argues that while ASEAN has been criticized for its passive approach to the conflict, the organization's calculations of cost and benefit and its consideration of various checked and balanced elements have influenced its decision-making. However, given the urgency and importance of the Rohingya conflict, this paper suggests that ASEAN should take a more proactive approach to managing the conflict, including a reevaluation of its non-interference principle, the establishment of a specialized conflict management office, and maintaining good relations with Myanmar.

Keywords

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1. Introduction

Since the British decolonization in the last century, the Rohingya issue has been a growing problem in Myanmar. The conflict between the Rohingya Muslims and Rakhine Buddhists has escalated to a crisis due to ongoing violence, displacement, discrimination, and suppression that has resulted in the displacement of many Rohingya people to neighboring countries such as Bangladesh, Indonesia, Thailand, Malaysia, and other regions. This has led to several problems, including humanitarian issues, trafficking, terrorism, and transnational crimes, with significant regional and global implications.

Myanmar is a country established on the belief of Buddhism, and Rohingya people have never been officially recognized as citizens of Myanmar (Rahman, 2010). Even a minor conflict between a Muslim or Buddhist, even if they are not Rohingya, can result in the other religious community's violent counterattack on the entire group, which leads to the government's violent retaliation This includes several cleansing movements on the Rohingya, exacerbating the situation further.

The Rohingya conflict has transcended the concept of traditional security issues and given rise to more non-traditional security problems, which threatens regional security, global anti-terrorism initiatives, regional economic development, and the well-being of the people. In 2017, a large-scale outbreak of the Rohingya conflict ensued, leading to the displacement of 762,325 people to Bangladesh, accounting for about 83% of the refugee population in camps in Bangladesh according to UNHCR reports (2021).

In comparison, the Association of Southeast Asian Nations (ASEAN), as the largest political and economic union in the region, has taken a different approach from the international community. While the international community has been criticizing the Myanmar government on "genocide" against the Rohingya, ASEAN has not officially acknowledged the allegations against the Myanmar Junta forces (Barber & Teitt, 2020). Consequently, ASEAN has received criticism from some ASEAN member countries and the international community, undermining its reputation as a regional organization. ASEAN has been making significant efforts to gain international recognition for decades, and this crisis has brought ASEAN's role into question. The current crisis also poses a threat to ASEAN's objectives of "integrated Southeast Asia" and "peace, stability, and security in Southeast Asia," further hampering its development.

Therefore, it is crucial to understand ASEAN's attitudes and actions towards the Rohingya crisis, particularly the Rohingya conflict that led to the crisis, and the underlying reasons for the crisis. This understanding is necessary to appreciate the importance of ASEAN's role in dealing with the crisis from the root to tackle the problem for the long haul.

The Rohingya issue has been extensively studied in the literature, covering various aspects such as humanitarian assistance, human rights, trafficking, crimes, repatriation,

health conditions, environmental problems, and conflict in Rakhine, as well as ASEAN's conflict management. The International Crisis Group has also been the international organization keeping up with the fluctuating situation in the conflict, providing up-to-date reports on the issue.

The ASEAN way and its non-interference in conflict management have been shaped by the Asian values of collective identity, according to Goh (2003). The association has been employing the ASEAN way, which is a particular process of interaction, requiring decision making through consultation and consensus (Narine, 1998) more than non-interference, which has yielded good results in conflict intervention, as seen in ASEAN's conflict management in Cambodia. However, Oishi (2016) argues that the ASEAN way that ASEAN has been exercising to manage conflicts is not trustworthy, and that ASEAN's non-interference cannot serve as an effective conflict management strategy any longer as the issues continue to expand.

Although there is indeed a vast literature examining ASEAN's response to the Myanmar situation, it appears that the specific focus on ASEAN's role in conflict resolution – i.e., mediation between conflicting parties – has received relatively less attention. This aspect of ASEAN's engagement in the Rohingya crisis, involving direct efforts to facilitate dialogue and negotiation among the involved parties, merits further analysis.

Setiawan and Suryati's (2021) paper offers a unique perspective in this regard, as it discusses ASEAN's role in managing Myanmar's ethnic conflict from 2017 to 2019, with an emphasis on the role and actions of Indonesia. As a member state and one of ASEAN's major powers, Indonesia's involvement in the conflict resolution process is particularly significant. By examining ASEAN's efforts in conflict resolution, rather than solely its broader response to the Rohingya crisis, we can gain a deeper understanding of the organization's engagement and effectiveness in addressing regional conflicts.

Conflict management, in this context, refers to the various strategies and approaches employed by ASEAN to mitigate and address conflicts between parties in the region, including mediation, negotiation, and the provision of resources or support for the resolution of disputes. This aspect of ASEAN's response to the Rohingya crisis is crucial in fostering dialogue and cooperation among the conflicting parties, with the ultimate goal of achieving long-term peace and stability in the region.

ASEAN has proclaimed its ambition to be the representative organization of Southeast Asia, and even Asia, and therefore needs authority, reputation, and position building, as well as regional integrity. For this reason, the Rohingya conflict cannot be solely analyzed from a member state's attitudes, but from ASEAN as a whole to view and resolve the issue.

The purpose of this paper is to address the gaps in research regarding ASEAN's management of the Rohingya conflict. While many papers have criticized ASEAN's

approach, this paper aims to take a more objective angle by analyzing the underlying reasons behind ASEAN's attitudes and behavior towards the conflict, with a specific focus on its conflict management. Rather than focusing solely on issues such as humanitarian assistance and repatriation, which only offer short-term solutions, this paper examines ASEAN's approach to conflict management from the source of the conflict, the Rohingya conflict.

The paper first analyzes ASEAN's attitudes and approaches to the management of the Rohingya conflict, and the underlying reasons for these attitudes and approaches. The importance of ASEAN in managing this conflict is then discussed. Plausible implications are provided based on this analysis for the future conflict management by ASEAN, especially in the context of the ongoing COVID-19 pandemic, which has further complicated the management of the conflict.

The ultimate goal of this paper is to provide insights into the Rohingya conflict and ASEAN's management of it in order to help alleviate the suffering of the people affected by the conflict and to support ASEAN's efforts in integrating the region and constructing a stable, peaceful, and prosperous Southeast Asia. The findings of this paper may also serve as a reference for other intergovernmental organizations in dealing with similar conflicts for the common good.

2. The Rohingya conflict

The Rohingya crisis has been an ongoing issue for decades, and understanding the historical context behind the ethnic group is crucial to comprehending the crisis. The Rohingya people are a group of Muslims who have lived in Rakhine, Myanmar, and Chittagong, Bangladesh, since the 8th and 9th centuries (Ding and Rahman, 2010). The initial settlement was due to martial commerce, and over time, more Muslims moved to the regions to escape turbulence in their hometowns, including to Chittagong in the 17th century, during the reign of Arakan. The Kingdom of Arakan declined, and it was merged into Burma, which was under the control of the Konbaung Dynasty in the 18th century (Tarling, 1993). As a result, Rakhine and Chittagong became parts of Burma, now Myanmar.

During the colonial period, Britain extended its colonization to this region due to the domestic demands of industrial development and war, and the former territory of the Arakan Kingdom was ceded to Britain. Britain then brought another wave of Muslims from Bangladesh, which was also one of Britain's colonies, to Rakhine. In 1948, Myanmar gained independence from Britain, and Rakhine was regained, while Chittagong, now called Chattogram, returned to Bangladesh after its independence. Today, the Rohingya people have mixed ancestry of Arabs, Indians, Persians, Turkish, Afghans, and others

due to historical changes and ethnic integration while preserving their original religious belief of Islam. Understanding this historical context is essential for comprehending the complexities of the Rohingya crisis and its underlying factors.

The Rohingya people, a predominantly Muslim ethnic minority, have resided in the Rakhine State of Myanmar since the 8th century. Following the formation of The Republic of the Union of Myanmar in 1948, the government implemented a policy of unified governance, designating Buddhism as the national religion. This policy engendered a discriminatory environment for the Rohingya Muslims, who were forced to either convert to Buddhism or leave their ancestral land. Consequently, the Rohingya community began resisting the oppressive regime in pursuit of their own autonomy. The Myanmar Junta forces countered these efforts, leading to a protracted conflict that continues to this day, involving both civilian-level clashes between religious groups and numerous government-led operations.

Several major incidents have occurred over the course of this ongoing conflict, such as Operation Dragon King in 1978, Operation Pyi Thaya (Operation Clean and Beautiful Nation) in 1991 and 1992, the 2012 Rakhine State riots, and the 2017 violence against the Rohingya, which has been characterized as ethnic cleansing. The catalysts for these conflicts often arose from tensions and acts of aggression between the two communities. For example, the 2012 Rakhine State riots were ignited by the tragic gang rape and murder of a Rakhine woman, an act attributed to Rohingya Muslims, which led to reprisals from Rakhine citizens.

In the case of the 2017 conflict, the situation escalated due to an attack on local policemen by the Arakan Rohingya Salvation Army (ARSA). The government responded with clearance operations that disproportionately affected the Rohingya population. While the ARSA's actions played a role in the intensification of the conflict, it is crucial to recognize that underlying tensions, discriminatory policies, and a long history of marginalization contributed significantly to the broader context of violence.

Based on the information presented, the Rohingya conflict is a persistent and deeply troubling issue in the Rakhine region. This conflict involves violent confrontations between the Rohingya Muslims and Rakhine Buddhists, as well as brutal military crackdowns on the Rohingya people by Myanmar's security forces and sporadic militant attacks by Rohingya insurgents. The Myanmar military's actions against the Rohingya have been characterized by large-scale ethnic cleansing and possibly genocide, which are regarded as grave crimes against humanity.

In light of the ongoing nature of the conflict and the recent military coup in Myanmar, there is a real possibility that another round of large-scale violence may occur, exacerbating the suffering of the already beleaguered populations. The immense scale and severity of these atrocities, perpetrated primarily by the military, cannot be understated, as they have

had devastating consequences for countless innocent lives.

The intensity of the atrocities committed against the Rohingya people is staggering and has garnered widespread condemnation from the international community. These heinous acts have not only led to the large-scale displacement of Rohingya Muslims but also resulted in countless civilian casualties, including women, children, and the elderly (Anwar, 2023).

The Myanmar military's brutal tactics include indiscriminate attacks on Rohingya villages, mass killings, sexual violence, and the burning of homes and infrastructure. Numerous instances of sexual assault and rape of Rohingya women by military personnel have been documented, causing severe trauma for the victims and further destabilizing their communities (Naing, 2022). Children have not been spared either, with reports of them being executed or maimed in the conflict.

Moreover, the Myanmar military has consistently blocked humanitarian aid and access to affected areas, exacerbating the suffering of the Rohingya community (Maung & Jeannerod, 2023). Malnutrition and disease have been rampant in overcrowded refugee camps, compounding the dire situation faced by the Rohingya people. These atrocities reflect a systematic effort to uproot and annihilate the Rohingya population from their ancestral homeland, an act that has been widely recognized as ethnic cleansing and potentially genocide. The severity and scale of these crimes against humanity underscore the urgent need for a concerted international response to address this humanitarian catastrophe and hold the perpetrators accountable for their actions.

3. The conflict management of ASEAN

According to Sridharan's (2008) framework for effective conflict management in regional organizations, there are three essential elements: prevention, containment, and termination. In the case of the Rohingya conflict, it typically starts with small-scale incidents in Rakhine and escalates into large-scale violence. Given that the ASEAN Secretariat is located in Indonesia and the conflict takes place in Rakhine, it is difficult for ASEAN to prevent the conflict from escalating. It is also worth noting that ASEAN in general has a non-interference policy towards domestic politics and is very limited in terms of means to manage the conflict. However, it is important to examine how ASEAN is managing the conflict in terms of containment, termination, and long-term prevention. While the prevention of the conflict may be challenging given its ongoing nature, it is still an important consideration for regional organizations like ASEAN.

Applying Sridharan's framework to the Association of Southeast Asian Nations (ASEAN) in relation to the Rohingya crisis can provide insights into the organization's

effectiveness in managing the conflict.

Prevention: This stage involves addressing the root causes of conflicts and employing early warning systems to anticipate potential crises. In the case of the Rohingya crisis, ASEAN's adherence to the principles of non-interference and consensus-based decision-making has constrained its ability to engage proactively in addressing the deep-seated issues that have contributed to the conflict, such as religious and ethnic discrimination.

Containment: This element focuses on the management of ongoing conflicts to prevent them from escalating or spilling over into neighboring regions. While ASEAN has provided a platform for dialogue and diplomacy among member states, its impact on containing the Rohingya crisis has been limited. The organization's reluctance to directly confront the Myanmar Junta forces has hindered effective containment efforts, with the crisis continuing to destabilize the region.

Termination: This stage involves the resolution of the conflict and the establishment of sustainable peace. In the context of the Rohingya crisis, ASEAN's engagement has primarily been in the form of humanitarian assistance to the affected populations. However, it has not been able to facilitate the resolution of the conflict or hold the Myanmar Junta forces accountable for the ongoing atrocities, making sustainable peace elusive for the Rohingya people.

In summary, the application of Sridharan's framework to ASEAN's conflict management efforts in the Rohingya crisis highlights the organization's limitations in addressing the multifaceted and complex nature of the conflict. This underscores the need for a more proactive and robust response to tackle the ongoing humanitarian catastrophe and promote lasting peace in the region.

3.1 The origin of ASEAN's non-interference principle

The establishment of ASEAN in 1967 was a response to the perceived communist threat from China and along the Indo-Chinese peninsula (Cook, 2010). Despite the fact that ASEAN was created in 1967, the idea of a regional organization of collective identity had been contemplated by Southeast Asian countries for a significant amount of time. ASEAN's founding members, which included Thailand, Indonesia, Singapore, Malaysia, and the Philippines, aimed to establish a normative framework based on the principle of non-interference rather than creating a military alliance in order to prevent unwanted foreign intervention in the domestic affairs of member states (Dosch, 2011). In 1976, ASEAN's member states convened and signed the Treaty of Amity and Cooperation in Southeast Asia (TAC), which further codified the principle of non-interference in member states' internal affairs and the avoidance of the use of force as a means of dealing with conflicts for the common goal of peace, security, and

stability in Southeast Asia as prescribed in Article 2 and Article 6.

The principle of promoting peace and stability has always been emphasized by ASEAN and was reaffirmed in 2017 through the ASEAN Leaders' Declaration, which reaffirmed the commitment to the maintenance and promotion of peace, security, and stability, including the peaceful resolution of disputes in accordance with international law (Soomro, 2017). Upholding the principle of non-interference, ASEAN has seldom involved itself in the conflict or other issues faced by the Rohingya people because the conflict took place in Myanmar, which is viewed as a domestic matter by ASEAN. Non-interference to a certain degree is also the reason why some authoritarian states like Myanmar have joined ASEAN, as it ensures that their internal affairs will not face intervention by external actors, while they still benefit from the profits that ASEAN is able to provide its member states (Dosch, 2011).

3.2 The boundary of non-interference

In April 2021, ASEAN adopted the "Five Point Consensus" to address the situation in Myanmar. The consensus encompasses an immediate end to violence, dialogue among all parties, the appointment of a special envoy, humanitarian assistance by ASEAN, and the special envoy's visit to Myanmar to meet with all parties. This consensus can be linked to the broader discussion of ASEAN's adherence to the principle of non-interference and its approach to conflict management.

Davies (2016) contends that ASEAN's commitment to non-interference has been subject to debate, especially when the organization faces external pressures to address issues such as the Rohingya crisis. The EU, US, UN, and UNHCR have urged ASEAN to take action for reasons ranging from economic stability to humanitarian concerns (Cook, 2010; Haacke, 2010). In response, ASEAN has taken measures to manage the issue and demonstrate its engagement with the international community.

For example, in 2021, ASEAN notably excluded a representative from Myanmar's military government from attending its summit in Brunei. This exclusion was due to Myanmar's lack of progress on a peace plan meant to alleviate political unrest following a military coup that ousted the country's democratically elected government and violently suppressed protesters. This marked the first time that ASEAN had barred Myanmar from participating in its summit.

While ASEAN has not regarded the principle of non-interference as absolute, the organization has been cautious in addressing the Rohingya crisis, which carries implications beyond Myanmar and Southeast Asia. The conflict has directly affected neighboring countries and involved extremists from Bangladesh. Despite these

ramifications, ASEAN has largely adhered to non-interference, opting for a more passive approach to conflict management. However, as seen in the Five Point Consensus and other exceptional circumstances, the organization has demonstrated flexibility in response to internal and external pressures, underlining the multifaceted nature of ASEAN's conflict management approach.

It is essential to recognize that ASEAN's adherence to the principle of non-interference has both advantages and disadvantages, which can be better understood when considering the perspectives of different stakeholders. For some member states, particularly those with authoritarian regimes like Myanmar, non-interference is perceived as advantageous because it safeguards their sovereignty and autonomy in domestic affairs. This allows them to handle internal conflicts without external intervention, which, in their view, could contribute to a more stable Southeast Asia.

However, from the perspective of human rights advocacy and conflict resolution, the principle of non-interference can be seen as a disadvantage. It may hinder ASEAN's ability to effectively address conflicts that have significant repercussions beyond a single member state, as in the case of the Rohingya crisis. In this sense, the perceived advantage for certain member states may come at the expense of broader regional stability and the protection of human rights.

As ASEAN navigates these complex issues, it is crucial to find a balance between respecting the principle of non-interference and taking appropriate action to promote peace, stability, and human rights in the region (Davies, 2016). This may involve re-evaluating the organization's approach to conflict management and finding ways to enhance its effectiveness without compromising the core values that underpin its existence.

3.3 Soft interference

ASEAN's approach to conflict management in the Rohingya conflict has been criticized by some, but it is important to consider the complex nature of the conflict itself. The conflict is multifaceted, with historical, social, political, and religious elements, making it difficult to manage for any conflict manager. Despite this complexity, ASEAN has taken steps to intervene and manage the conflict, whether under external pressure or not. One of the typical measures of conflict management taken by ASEAN is the use of peaceful means rather than force.

ASEAN's approach to conflict management is characterized by the "ASEAN way" of the Treaty of Amity and Cooperation (TAC), which emphasizes informal and incremental approaches to consensus through consultation and dialogue (Agus, 2016). This approach has been effective in managing previous conflicts. However, the use of force in the

Rohingya conflict is not the ASEAN way and has not been considered as an option. The use of force would not only threaten and challenge Myanmar's authority, but it would also risk driving Myanmar away from ASEAN, which would undermine ASEAN's regional integrity objective and its core position in the region.

Moreover, resorting to the use of force in the Rohingya conflict could have unintended consequences that exacerbate the situation. Intervening militarily may inadvertently widen the conflict and create instability in the region, leading to further violence and suffering for the affected populations. In addition, such an intervention could potentially create a power vacuum, paving the way for extremist groups to exploit the situation for their own gain.

These extremist groups, pursuing their ideological agendas, might capitalize on the chaos and heightened tensions in the region to recruit new members and expand their influence. Consequently, the conflict could evolve into a broader, more complex crisis, with dangerous implications not only for Myanmar and its immediate neighbors but also for the overall security and stability of the ASEAN region. Therefore, it is crucial to carefully consider the potential repercussions of using force in addressing the Rohingya conflict and to explore alternative, non-military approaches that align with ASEAN's principles and values.

To strike a balance, ASEAN has navigated the complexities of the Rohingya crisis by adhering to its principles of non-interference and the Treaty of Amity and Cooperation (TAC), while implementing indirect actions to assist displaced individuals. Four main approaches to this include the "Five Point Consensus", member states voicing their concerns, humanitarian assistance provided by ASEAN affiliates, and evaluation for repatriation.

The "Five Point Consensus" adopted in April 2021, which calls for an end to violence, dialogue among all parties, the appointment of a special envoy, humanitarian assistance by ASEAN, and a visit by the special envoy to Myanmar, complements these other approaches. Together, these measures may not fully resolve the conflict; however, they demonstrate ASEAN's commitment to addressing the issue while upholding its core principles of non-interference and the ASEAN way.

Overall, the Rohingya conflict highlights the challenges of conflict management in the region, and ASEAN's approach is a reflection of the complex nature of the conflict and the need to balance regional stability and the promotion of human rights (Alom, 2019). As Alom (2019) notes, this approach is driven by a desire to avoid alienating Myanmar while still helping those displaced by the conflict.

ASEAN has not officially legitimized itself in managing the Rohingya crisis, but it has been attempting to address the issue through informal channels such as bilateral diplomatic dialogues and consultations from its member states (Barber & Teitt, 2020). As the conflict involved two religious groups and the Rohingya Muslims are recognized as refugees in the conflict, Islamic leaders have criticized ASEAN's attitudes and behavior, leading to some

leaders of Islamic countries speaking out about the issue outside of ASEAN meetings (Barber & Teitt, 2020). In response to the crisis, ASEAN has indirectly intervened through its member states, such as Indonesia sending its foreign minister to Myanmar and Bangladesh to show their concerns and willingness to help, and Malaysia condemning the Myanmar Junta forces from a state level.

Another approach to intervention has been through humanitarian assistance. Inspired by ASEAN's humanitarian response to Cyclone Nargis in Myanmar, the ASEAN Coordinating Centre for Humanitarian Assistance on disaster management (AHA) was established in 2011. Although the center is primarily focused on disaster management, it has also been used to provide aid to Rohingya refugees in Rakhine (Barber & Teitt, 2020). For example, in 2017 the AHA Center dispatched about 80 tonnes of relief items for displaced communities in Rakhine, including Rohingya.

In addition to humanitarian assistance, the Emergency Response and Assessment Team (ERAT), a special response team of AHA established in 2018, has dispatched experts to evaluate the situation in Myanmar for repatriation in 2019 and provided four recommendations to the Myanmar government, including ensuring personal safety (Setiawan & Suryati, 2021). Furthermore, the ASEAN Intergovernmental Commission on Human Rights (AICHR) has been sending humanitarian aid from private actors or international organizations to the Rohingya. These new agencies reflect the desire of ASEAN member states to engage usefully in the crisis without damaging fragile relationships (Barber & Teitt, 2020).

However, these efforts are constrained by the concept of humanitarian assistance, and these agencies can only work at a limited level. ASEAN agreements do leave open the possibility of the AHA Center playing a greater role in conflict-related crises (Barber & Teitt, 2020). These humanitarian assistance efforts on the Rohingya issue can also serve as a strategic tool for ASEAN to gain experience and reputation for these new agencies since they are new and require public support to maintain their existence (Barber & Teitt, 2020; Setiawan & Suryati, 2021).

3.4 Third-party assistance

ASEAN has generally adopted a distinctive approach to managing conflicts, relying on internal mechanisms rather than seeking third-party assistance. However, there have been instances where ASEAN has allowed or even requested third-party organizations to mediate in intrastate conflicts, such as the Organization of Islamic Cooperation (OIC) in the Philippine conflict with the Bangsamoro, and the ongoing ethnic conflict in Thailand, where the UN Security Council (UNSC) and International Court of Justice (ICJ) were

invited to play a role (Oishi, 2016).

In the case of the Myanmar conflict with the Rohingya, the situation has been primarily internalized, with external actors initially restricted from involvement by the Myanmar Junta forces, which made it challenging for ASEAN to invite any third-party to intervene (Setiawan & Suryati, 2021). However, recognizing the need for additional support to address the conflict, ASEAN eventually took the step of requesting assistance from the United Nations at the end of 2022. This move highlights ASEAN's growing recognition that complex and multifaceted conflicts like the Rohingya crisis may require collaborative efforts from both regional and international actors to reach a comprehensive and lasting resolution.

ASEAN's internalization of the Rohingya issue aligns with the association's save-face mechanism, which prioritizes the protection of member states' reputations and the avoidance of public disagreement (Haacke, 2010). This approach has enabled ASEAN to maintain its distinctive conflict management mechanism, which rests on dialogue and consultation, while avoiding the long-term presence of external organizations in Southeast Asia which could undermine its centrality and authority in the region (Barber & Teitt, 2020). While ASEAN member states have expressed their concerns and intentions to involve third-party organizations, the association's reluctance to seek external assistance reflects its commitment to its internal conflict management mechanisms (Soomro, 2017).

Overall, ASEAN's approach to managing conflicts reflects its unique approach to diplomacy and the importance it places on internal mechanisms, while balancing the need to maintain its centrality and authority in the region. However, the ongoing Rohingya crisis highlights the limitations of ASEAN's approach and the need for the association to consider alternative strategies to effectively address intrastate conflicts.

3.5 Who is to blame?

ASEAN's cautious approach to the Rohingya conflict can be attributed to various factors, including the complexity of the situation and the organization's principles of non-interference and consensus-building. While the Myanmar military's actions against the Rohingya people have been condemned globally, the historical context of the conflict and the multitude of actors involved make the situation highly complex.

In addressing the Rohingya crisis, ASEAN has had to weigh various factors, including maintaining regional stability and unity, upholding its core principles, and responding to external pressures. It is essential to note that the organization has not entirely disregarded the issue, but its actions are based on careful considerations and internal deliberations.

The consensus-building process within ASEAN can sometimes hinder effective conflict

management, as the ASEAN Chairman has the authority to remove any agenda items that could create difficulties for their own country (Pitakdumrongkit, 2016). This can lead to issues being sidestepped or ignored entirely. For instance, when Myanmar chaired ASEAN in 2014, the Rohingya issue was effectively avoided, which undermined previous ASEAN efforts on the matter.

Despite the challenges, ASEAN continues to work on addressing the Rohingya crisis while maintaining the delicate balance between its core principles and the pressing need to resolve the conflict. The organization's evolving approach, as seen in the adoption of the "Five Point Consensus" and the request for UN support, demonstrates its commitment to finding a solution while navigating the complexities inherent in regional conflict management.

4. The importance of ASEAN in conflict management

The management of the Rohingya conflict by ASEAN has become a matter of concern, and it is crucial for the organization to reassess its role in conflict management and revise its current methods. ASEAN has made efforts to foster an ASEAN identity where diverse religious and cultural communities coexist harmoniously. However, if ASEAN does not effectively address the conflict the situation may become increasingly difficult to manage, as divisions along religious lines could become more pronounced (Alom, 2019).

Additionally, Myanmar's controversial membership has always been a concern due to its lack of democratic elections under military junta governance. According to the ASEAN Charter, one of the requirements for joining ASEAN includes adherence to the principles of democracy, the rule of law, and good governance, which Myanmar's Junta forces have been criticized for failing to uphold (Cook, 2010). ASEAN also advocates for stable domestic political situations and the protection of human rights, principles that Myanmar's Junta forces have struggled to maintain.

If ASEAN does not prioritize the Rohingya crisis, this could have consequences for the organization's unity and effectiveness. Member states might adopt more assertive stances on the issue, potentially decreasing their willingness to accept Rohingya refugees in times of crisis, such as during the COVID-19 pandemic. It is essential for ASEAN to strike a balance between upholding its core principles and addressing the conflict in a way that promotes peace, stability, and human rights in the region.

Moreover, the ongoing conflict is contrary to ASEAN's original purpose and the ASEAN Charter, where all members should maintain and improve peace, security, and stability. It is also a challenge to its 2025 vision of a highly integrated economy, a competitive and dynamic ASEAN, strengthened connections, a mighty, inclusive, people-oriented ASEAN,

and a global ASEAN. The conflict would undoubtedly burden ASEAN in reaching its vision and achieving its original objectives of integration and a stable, peaceful, and secure community (Jati, 2017).

Ineffective management of regional conflicts by ASEAN has the potential to alienate multiple parties both externally and internally. Externally, the international community is guided by the principle of the Responsibility to Protect (R2P), as endorsed in the 2005 United Nations General Assembly World Summit Outcome. The Islamic world may also intervene based on the principles of solidarity and brotherhood through either peaceful or aggressive means. Economic partners such as the United States, the European Union, and China may reconsider their investments due to the unstable economic environment created by the conflict.

Internally, disagreements among ASEAN member states could deepen, as some members may seek to address the issue as one of international liability. Therefore, ASEAN must take effective measures to manage the conflict in order to maintain its credibility and avoid offending multiple stakeholders.

However, ASEAN also acts as a bridge and a portal to Myanmar for the international community. Although Myanmar has been tough on external actors, ASEAN is the only actor that Myanmar is less likely to reject. In the past, when the Nargic Cyclone devastated Myanmar in 2008, Myanmar refused any outside support except ASEAN's humanitarian assistance. ASEAN was appreciated as one of the key players that exerted influence on the Myanmar government in the reconciliation process, particularly in its domestic behavior and firmly entrenched non-interference principle (Oishi, 2016). It is also worth mentioning that the United Nations also played a very important role in this negotiation process. Therefore, ASEAN should utilize its regional and positional advantages to manage the Rohingya crisis while maintaining good relations or collaborative relations with other international organizations to improve the process, as it is one of the more important actors as a regional international organization that can play a role in Myanmar under the current circumstances.

5. What ASEAN can do

Jetly (2003) has described conflict management as a broad concept that encompasses various techniques for addressing inter-party conflicts, including conflict avoidance, prevention, and resolution. Despite efforts to avoid conflict, experience has shown that it cannot be completely avoided. Therefore, for the Association of Southeast Asian Nations (ASEAN), preventing and resolving conflicts is crucial.

Before taking any practical measures, ASEAN must first reassess its non-interference

principle and determine the extent to which it should interfere in conflicts. If a conflict extends beyond a single country, as in the case of the Rohingya conflict in Myanmar, which involves individuals with Rohingya ancestry, people from other Islamic countries, and even extremists seeking to advance their agenda, ASEAN should recognize that it is no longer a purely domestic matter and take action accordingly.

To improve its conflict management capabilities, ASEAN could consider establishing a dedicated conflict management division or team responsible for assessing, addressing, and documenting conflicts for future reference and learning. This division would allow for a more systematic approach to dealing with the complex and diverse range of issues arising from the region's multi-ethnic and multi-religious landscape. The establishment of such a division would facilitate a more structured and informed approach when dealing with similar conflicts in the future. Instead of the current case-by-case approach, which can be laborious and contentious, this division could help ASEAN in drawing from past experiences and showcasing its decision-making process, thus enhancing its credibility.

Given the ongoing conflict in Rakhine, the conflict management division could establish a presence in Myanmar or nearby locations, which would enable prompt intervention and negotiations between ASEAN and Myanmar when necessary. As for the development of an early warning mechanism through the team's fieldwork, this would require careful planning and coordination with relevant stakeholders, including member states, NGOs, and local communities. While it might be challenging to implement such a mechanism in the context of ASEAN's emphasis on non-interference, the potential benefits of preventing minor disagreements from escalating into major conflicts make it an idea worth exploring.

The ASEAN Way is a diplomatic approach among ASEAN member states that is quiet, elitist, and non-legalistic (Agus, 2016). To legitimize itself in conflict management and intervention, ASEAN should seek ways to engage without involving a third party, given the challenge of conducting surveys in Myanmar in order to gather first-hand information and data due to the prevailing situation. Nevertheless, ASEAN can collaborate with external actors to develop more effective conflict management approaches with actors such as the United Nations, other international organizations, or human rights institutions. By sharing information, ASEAN would be better equipped to manage the Rohingya crisis and could seek international assistance if necessary.

To address the challenge of ASEAN member states being primarily motivated by their narrow self-interests (Narine, 1998), and the impact of annual leadership rotations on managing the Rohingya conflict, ASEAN could explore the feasibility of establishing a supervisory mechanism to monitor the chair's actions and guide them towards a balance

between their role as a state's leader and as a leader of the organization.

In practice, this supervisory mechanism might involve the creation of a permanent committee composed of representatives from all member states, responsible for overseeing the chair's actions and decision-making processes. This committee could help ensure that the chair prioritizes the collective interests of ASEAN over their own nation's interests when it comes to addressing the Rohingya conflict.

The feasibility of such a supervisory mechanism would depend on the willingness of ASEAN member states to collaborate and support this additional oversight. Implementing this mechanism would require a consensus among member states, and potentially amendments to existing ASEAN agreements and procedures. Achieving this consensus may be challenging, given the principle of non-interference and respect for national sovereignty that underpins the organization. However, if successfully established, this supervisory mechanism could promote a more consistent approach to managing the Rohingya conflict and other regional issues, regardless of changes in leadership.

However, in pursuing these actions, ASEAN must be mindful of Myanmar's sovereignty and the principle of non-interference. It is crucial to continue engaging in dialogues with both the National Unity Government of Myanmar as well as the Junta forces to demonstrate that ASEAN's intervention and conflict management are not a zero-sum game, but rather a mutually beneficial approach. A specialized conflict management office or team can be formed to coordinate these efforts and evaluate their effectiveness.

Overall, managing conflicts in Southeast Asia requires a multifaceted approach that involves both conflict resolution and addressing the root causes of the conflict. ASEAN can play a significant role in promoting peace and stability in the region by adopting a comprehensive and coordinated strategy that respects the sovereignty of member states while addressing the needs and concerns of all parties involved.

6. Comparative analysis of ASEAN's conflict resolution mechanisms in the Vietnam-Cambodia war and the Rohingya crisis in Myanmar

The Association of Southeast Asian Nations (ASEAN) has been involved in two major conflict resolution efforts in the region: the Vietnam-Cambodia War in the 1970s and 1980s and the Rohingya crisis in Myanmar since 2017. This comparative analysis will examine how ASEAN's conflict resolution efforts in these two cases differed and the factors that contributed to these differences, focusing on the details of ASEAN's role and the conditions that enabled their success.

The Vietnam-Cambodia War was a protracted conflict that lasted over a decade and involved multiple actors, including the governments of Vietnam and Cambodia, as well as

various regional and international powers. ASEAN played a crucial role in mediating the conflict and facilitating a peaceful resolution (Tuan, 1996). Key factors that contributed to the success of ASEAN's conflict resolution efforts included:

1. Strong commitment from both sides: Vietnam and Cambodia were willing to engage in dialogue and compromise to reach a resolution (Tuan, 1996).
2. ASEAN's neutrality: Serving as an impartial mediator, ASEAN facilitated peace talks between the warring parties, encouraging them to find common ground.
3. International involvement: The global community, including the United Nations, provided support to ASEAN's mediation efforts, which helped to maintain momentum in the peace process.

ASEAN's conflict resolution mechanism in the Vietnam-Cambodia War was based on consensus-building (Sokkheurn, 2010). This approach allowed ASEAN to build trust and promote communication between the conflicting parties, reducing tensions and addressing the root causes of the conflict. The ASEAN-led negotiations resulted in the signing of the Paris Peace Accords in 1991, which led to the withdrawal of Vietnamese troops from Cambodia and the establishment of a democratic government (USIP, 2000).

In contrast, ASEAN's conflict resolution efforts in the Rohingya crisis in Myanmar have been less successful. The Rohingya crisis is a complex and ongoing conflict involving the Myanmar government, Rohingya Muslims, and various regional and international actors. The conflict has been marked by allegations of human rights abuses, including ethnic cleansing and genocide. ASEAN's conflict resolution efforts have been hampered by several factors, including the reluctance of the Myanmar Junta Forces to engage in meaningful dialogue with the Rohingya and other ethnic groups involved in the conflict (Setiawan, 2021).

One possible approach for ASEAN in the Rohingya crisis could be to play a more active role as a mediator and facilitator of dialogue between the conflicting parties. This could involve the creation of a formal peace process or negotiations, similar to the Paris Peace Accords that ended the Vietnam-Cambodia War. By adopting a similar approach, ASEAN could:

1. Encourage dialogue and compromise among the conflicting parties.
2. Foster trust and cooperation among regional and international actors.
3. Address the root causes of the conflict and pave the way for a sustainable and peaceful resolution.

However, it is important to note that the principle of non-interference, different interests and priorities of ASEAN member states, and the lack of commitment from all parties have

hindered ASEAN's conflict resolution efforts in the Rohingya crisis. Thus, overcoming these challenges and adapting the lessons learned from the successful resolution of the Vietnam-Cambodia War will be crucial for ASEAN to effectively address the ongoing Rohingya crisis in Myanmar.

In continuing the comparative analysis of ASEAN's conflict resolution efforts in the Vietnam-Cambodia War and the Rohingya crisis in Myanmar, it is crucial to examine the work by Dosch (2011), which provides insights into the role of ASEAN in regional conflict resolution and the limitations imposed by the principle of non-interference.

Dosch (2011) argues that the principle of non-interference, which is one of the cornerstones of ASEAN's Charter, has hampered the organization's ability to effectively intervene in regional conflicts, particularly the Rohingya crisis in Myanmar. The principle of non-interference prohibits ASEAN from intervening in the internal affairs of its member states, which limits the organization's capacity to address issues that are deemed to be domestic matters.

In the case of the Vietnam-Cambodia War, ASEAN was able to facilitate peace talks and play a significant role in the conflict resolution process. This was partly due to the fact that the conflict was between two sovereign states, which allowed ASEAN to mediate without violating the principle of non-interference.

However, the Rohingya crisis presents a different challenge, as it is primarily an internal conflict within Myanmar. The principle of non-interference has constrained ASEAN's ability to engage in direct mediation or intervention in the conflict, which has made it difficult for the organization to take decisive action to address the humanitarian crisis and ongoing violence.

To overcome the limitations imposed by the principle of non-interference, ASEAN could explore alternative approaches that respect its member states' sovereignty while facilitating constructive dialogue and cooperation. For example, ASEAN could:

1. Promote confidence-building measures and dialogues among conflicting parties, focusing on issues of common interest that could create a foundation for more in-depth negotiations in the future.
2. Offer technical assistance and expertise in areas such as conflict resolution, human rights, and humanitarian aid, to help build capacity within Myanmar and address the root causes of the conflict.
3. Encourage greater cooperation and coordination among regional and international actors to address the humanitarian crisis and support the return of refugees in a safe and dignified manner.

Therefore, while ASEAN's conflict resolution efforts in the Vietnam-Cambodia War and the Rohingya crisis in Myanmar differ significantly due to the principle of non-interference and other factors, there are still lessons to be learned and applied from the successful resolution of the Vietnam-Cambodia War. By adapting its approach and overcoming the challenges posed by the principle of non-interference, ASEAN can play a more effective role in addressing the ongoing Rohingya crisis and promote peace and stability in the region.

7. Conclusion

In conclusion, the Rohingya conflict remains a complex and pressing issue for ASEAN. The organization's non-interference principle and avoidance of the use of force have long been upheld as a means to promote regional stability and security. However, the post-coup context in Myanmar and the evolving situation necessitate a reevaluation of ASEAN's approach. To effectively address the Rohingya conflict and adapt to the changing circumstances, ASEAN needs to consider alternative strategies and conflict management techniques while respecting the sovereignty of its member states.

Drawing from the successful resolution of the Vietnam-Cambodia War, ASEAN can explore the possibility of playing a more active role as a mediator and facilitator of dialogue between the conflicting parties in Myanmar. This could involve creating a formal peace process or negotiations, similar to the Paris Peace Accords, which could encourage the Myanmar Junta forces, the National Unity Government, Rohingya Muslims, and other ethnic groups involved in the conflict to engage in dialogue and work towards a peaceful resolution.

Furthermore, the establishment of a specialized conflict management office or team could be a potential solution to effectively evaluate, manage, and archive the conflict while serving as a bridge to third-party organizations. This office or team could also develop a supervising mechanism to monitor the chair's behavior or work, ensuring consistency in ASEAN's approach despite annual leadership rotations.

To make these proposed solutions feasible within the ASEAN system, it is essential to build consensus among member states and demonstrate the benefits of such initiatives in promoting regional peace and stability. Additionally, capacity-building and technical assistance can be provided to equip the conflict management office or team with the necessary tools and expertise to deal with complex conflict situations effectively.

ASEAN could also learn from Vietnam's experience in post-conflict reconstruction by emphasizing national reconciliation, social welfare, and economic development in

Myanmar. This could involve developing comprehensive plans and policies that address the root causes of the conflict and working closely with the Myanmar government, Rohingya Muslims, and other ethnic groups to promote interfaith and interethnic dialogue.

In summary, the comparative analysis of ASEAN's role in the Vietnam-Cambodia War and the concrete suggestions, such as the conflict management office and supervisory mechanism for the ASEAN chair, offer valuable insights for addressing the Rohingya crisis. However, these aspects require further analysis and elaboration to ensure their feasibility within the ASEAN system. By exploring alternative strategies and conflict management techniques, ASEAN can adapt to the post-coup context in Myanmar and play a more effective role in managing the Rohingya conflict, ultimately promoting regional peace and stability in the long run. As ASEAN moves forward in addressing the Rohingya crisis it is crucial to engage with a broad range of stakeholders, including regional and international actors, NGOs, and civil society organizations. Collaborative efforts can facilitate information sharing, promote a unified approach, and ensure that the proposed solutions are implemented effectively. This comprehensive approach will strengthen ASEAN's position as a central actor in resolving the conflict and enhance its credibility in the region.

To promote dialogue between the conflicting parties, ASEAN can organize regional conferences and workshops that bring together government representatives, opposition leaders, religious and ethnic groups, and civil society organizations. These platforms can facilitate open discussions on the root causes of the conflict, foster mutual understanding, and encourage parties to develop actionable steps towards a peaceful resolution.

In tandem with these efforts, ASEAN can initiate confidence-building measures among member states and the conflicting parties. This can include military and intelligence cooperation, joint border management initiatives, and transparent communication to prevent misperceptions and misunderstandings that could escalate the conflict.

ASEAN should also encourage member states to support the socio-economic development of Myanmar, particularly in areas most affected by the conflict. This could involve investments in education, healthcare, and infrastructure to address the needs of the affected communities and build a solid foundation for long-term stability and prosperity.

Lastly, ASEAN should explore opportunities to enhance the role of regional and international actors in the resolution process. While maintaining its central role in conflict management, ASEAN can seek cooperation with other organizations, such as the United Nations, the European Union, and other regional forums, to provide technical assistance, mediation support, and financial resources for implementing the proposed solutions.

In conclusion, addressing the Rohingya crisis in Myanmar requires a comprehensive and proactive approach from ASEAN that considers the evolving post-coup context.

By exploring alternative strategies and conflict management techniques, fostering dialogue between conflicting parties, and engaging regional and international actors, ASEAN can play a more effective role in resolving the conflict and promoting regional peace and stability. However, this will necessitate strong commitment and collaboration from all stakeholders, including the Myanmar government, Rohingya Muslims, and other ethnic groups involved in the conflict, as well as ASEAN member states and the broader international community.

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Territorialisation, Patronage and Meddling: How Does Great Power Competition Impact Territorial Autonomy?

Ivan Ulises Kentros Klyszcz

Abstract

How is great power competition today relevant to territorial autonomies? The competition between established and rising powers has implications for all political actors across the world, including territorial autonomies. However, the interaction between the rivalry among the great powers and the politics of territorial autonomies has been seldom scrutinised, at least not when addressing the early XXIst century. This commentary proposes three points where these topics connect: the territorialisation of foreign policy, patronage and networking, and meddling and unsettling conflict. By raising these points, this commentary aims to spark a new discussion on how territorial autonomy and international relations at the global level interact in the current era.

Keywords

Territorial autonomy, great powers, international relations, paradiplomacy

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*The rules-based international order and multilateral system are prerequisites for
global security, and the Åland Convention is a part of this fabric.*
Sauli Niinistö, President of Finland,
on the 100th anniversary of the autonomous statute of the Åland Islands[1]

1. Introduction

There has been a revived interest in the International Relations sub-discipline in the past few years for the notion of 'great power competition'.[2] Propelled by policy interest and perceived changes in the international system (the rise of China, the relative decline of the United States[3]), scholars have scrutinised this concept from a variety of perspectives and sought its applicability in a variety of areas. The guiding notion is that great power competition is an endemic although fluctuating feature of international relations, pitting the great powers of the time in a contest for supremacy. Great power status draws from different sources. Tudor Onea proposes three. To be a great power, a country must have a global reach, a disposition to engage in administrative tasks of international relations, and enjoy international recognition – especially from established great powers – as being a great power.[4] The intensity and scope of this competition varies, but its unique features that differentiates it from other international conflicts – the high stakes, and the involvement and ambition of the great powers – is persistent.[5] In the current moment, supranational entities such as the Association of Southeast Asian Nations, the European Union, and the Southern Common Market (MERCOSUR), have been put under pressure to adapt to this new high ebb of great power competition, and assert their agency.[6] Defence alliances, such as NATO, have also had to adapt in order to demonstrate their continued relevance and cohesiveness.[7]

The purpose of this commentary is to draw attention to the relevance of great power competition to territorial autonomy.[8] While the literature has approached territorial autonomy as an international and internationalised phenomenon, its approach to the global- or systemic-level factors is fragmentary, and mostly focused on globalisation. In this commentary, I make the case that great power competition is relevant to territorial autonomy as a phenomenon connected to global affairs. The guiding question is: how does

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1   Niinistö 2022.
2   For an overview of the discussion of this concept, see DiCicco & Onea 2023.
3   E.g., Grano 2023.
4   Onea 2020, chapter 2.
5   Here I allude to the definition offered by DiCicco & Onea 2023.
6   Here, for instance, see Beeson 2022.
7   See Larsen 2022.
8   The reverse, the relevance of territorial autonomy to great power competition, is not explored here, although some of the ideas raised here could apply that way too.

great power competition impact territorial autonomy? Since this is not a research paper, I do not aim to answer this question, but to offer some thoughts into what could be relevant to its solution. So, given space limitations, the argument remains schematic.

In the following commentary, I draw a broad outline of how the global level of international relations is relevant for territorial autonomy. The argument pivots from the notion that the formation and shaping of territorial autonomy frequently interacts with the international system and the great powers shaping it. This commentary proposes three connecting topics or linkages between the two subjects: territorialisation, patronage, and meddling. In presenting each one, I will also offer tentative examples and a series of questions on these specific linkages between territorial autonomy and great power competition. My aim with this commentary is to stimulate a discussion on great power politics and their role in the creation and shaping of politics in territorial autonomies.

2. Territorial autonomy and the international system

The interactions between territorial autonomies and the international system can be framed in two broad areas, drawing from the two sub-disciplines of Political Science: Comparative Politics and International Relations. Regarding the former, there is a body of literature concerning the impact of international politics on the internal configurations (statutes, politics) of territorial autonomies. For example, the coexistence of EU law with the autonomy statutes of the Åland Islands and South Tyrol has been scrutinised in the past.[9] Regarding the latter, I turn to the literature on sub-state international relations (also sometimes called 'paradiplomacy'), to frame the interactions between territorial autonomies and the international system. This body of work has analysed how territorial autonomies interact with foreign partners. An example are the functioning and politics around the foreign representations opened by the governments of territorial autonomies. In Brussels, for instance, there are over 200 representations of sub-state governments, including all territorial autonomies in Europe and many beyond Europe.[10] This has attracted the attention of scholars of paradiplomacy and multi-level governance, analysing the phenomenon from various perspectives.[11] Outside of Europe, as an example, the foreign activities of the Kurdistan Regional Government in Iraq have received some attention within the paradiplomacy literature.[12]

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9   Among others, Stephan 2010; Woelk 2016. For a comparative approach, see Stephan 2017.
10 Huysseune & Jans 2008, 1. A more recent non-official source puts the number at over 300 representations. "Regional Representations," Brussels Commissioner for Europe and International Organisations website, https://www.commissioner.brussels/en/i-am-an-organisation/regional-representations (accessed 27 March 2023).
11 For example, Tatham 2013.
12 See, among others, Charountak 2010; Mohammed & Owtram 2014.

These diverse perspectives on the international relations of sub-state regions have many times included broader global dynamics and international actors, but seldom systemic, global-level dimensions. There are dispersed references to the role of the League of Nations and the United Nations in the formation and functioning of autonomy statutes. In the case of the former, minority protection was integrated into the post-First World War collective security system. For instance, Carpathian Ruthenia in inter-war Czechoslovakia was granted territorial autonomy by the Treaty of St. Germain (1919), with signatories from the Allied powers. The statute however was implemented gradually, and full autonomy operated only in 1938.[13] The Cold War, for instance, overlaid the bi-polar dynamics of the time over regional and domestic politics throughout the world. This included the territorial autonomies existing at the time. For example, in the aftermath of the Second World War, South Tyrol found itself part of the emerging East-West borderland, near Yugoslavia and the Free Territory of Trieste. This location rendered the appearance of ethno-nationalist terrorism in the region and the underlying dissatisfaction with the early autonomy statute into a topic for security cooperation between Italy and post-occupation Austria.[14]

Looking beyond the Cold War, globalisation has been a frequent topic in the study of sub-state territorial entities, including territories with an autonomous status.[15] However, great power competition and its implications are topics of growing relevance when addressing the global level of international relations. Today, rivalry between China, Russia and the United States is a common feature of the scholarly literature on and media reporting of international affairs. Today, territories with a formal autonomy status find themselves at the forefront of these great power politics, such as the Autonomous Republic of Crimea and the Xinjiang Uyghur Autonomous Region.[16] In the following section, I suggest three linkages or points of contact between territorial autonomy and great power competition.

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13   Henders, Boulden, Kymlicka 2015, 272.

14   For an overview of South Tyrol history during the Cold War, see Steininger 2017, 77–96. On the cooperation between Austria and Italy, see Di Fabio 2022.

15   E.g., Cornago 2010.

16   Russia and China are sanctioned internationally over their respective policies in these two formally autonomous territories. Russia is sanctioned over its 2014 forceful takeover of Ukraine's sovereign territory of Crimea, and China is sanctioned over its human rights violations targeting Muslim minorities in Xinjiang. On Xinjiang and great power politics, see Grano 2023, 14.

3. Territorial autonomy and great power politics today: three connecting points

Drawing from the emerging 'third generation' hegemonic studies,[17] I propose three points where the interest in territorial autonomy and great power competition meet. These are: territorialisation, patronage, and meddling. Some of these points are applicable to all sub-state governments, so I highlight the ways they especially concern territorial autonomy. For each point I raise a few questions relevant to the specificity of a territory having an autonomous status.

3.1 The territorialisation of foreign policy

For sub-state regions, the country's overall foreign policy has implications. Governors are required to implement country-wide policies on the regions they govern. Frequently, these country-wide policies respond to international circumstances, in what can be called the regionalisation or territorialisation of foreign policy. For all sub-state regions, this imperative demands a response to the local conditions, politics, and structures. For territorial autonomies in particular, the regionalisation of foreign policy is less straightforward. Their autonomous statute might give their local governments a wider margin to negotiate the territorialisation of foreign policy.[18] This renders territorialisation into a potentially open-ended process, or even a source of centre-region divergence. For instance, EU membership was not implemented (regionalised) on the territorial autonomies of member states without special consultations and provisions. Territorial autonomies have also left the EU, most recently Greenland (1985). Others did not join when their country entered the EU, such as the Faroe Islands in Denmark's case.[19]

Great power competition – inasmuch it is a phenomenon with global implications – demands attention from all countries in the world. In many cases, more than attention, this competition demands adjustments in foreign policy, sometimes necessitating the territorialisation of foreign policy decisions. Upon Finland submitting its request to join NATO, the demilitarised status of the Åland Islands became a topic of discussion, albeit in the end the status did not impede, hinder, or slow down the application and accession process.[20] Framing the territorialisation of foreign policy in the context of great power competition presents questions concerning the role of autonomous statutes today: how does the political leadership of territorial autonomies see the role of the great powers of the moment?

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17   Ikenberry & Nexon 2019.
18   On territorialisation, see Kuznetsov 2014; Duran 2015.
19   Rebhan 2022.
20   Vanttinen 2023.

3.2 Patronage and networking

International patronage refers to the phenomenon of countries patronising foreign actors. Patronage involves great power influence over another country's (the client's) domestic politics and ruling coalitions. Great powers deploy a mixture of coercive means to discipline their clients and incentives to facilitate cooperation. In turn, the client adopts the patron's regime type and becomes generally loyal to the patron. In the context of great power politics, patronage is a key element in the creation and maintenance of hegemonic orders. The goal of this patronage is to establish a network of compliant partners across the world that operate and facilitate emerging normative and political orders.[21]

Great powers engaging and cultivating contacts among the political leadership in sub-state regions is a known phenomenon.[22] Yet, cases of great power patronage in territorial autonomies have been studied less frequently.[23] Some documented cases suggest that great powers have patronised governing authorities within territorial autonomies. For instance, Cantir shows how Moscow influences the political leadership of the Autonomous Territorial Unit of Gagauzia to oppose Moldova's bid to EU membership. A traditionally Russophile region, Gagauzia's leadership has advocated for Moldova's Eurasian integration over European integration, while Moscow has hailed Comrat's support as evidence of popular support for Eurasian projects. Through elite contacts and bypassing Moldovan authorities, Moscow has cultivated its Gagauzia network, counting on it as a source of support in Moldova.[24]

Another potential example – although concerning specifically a territorial autonomy created partly due to pressure from a great power – is the Magyar Autonomous Region, which existed in Romania between 1952 and 1968. Under Stalin's overbearing sway over the Warsaw Pact, Moscow pressured Romania to adopt a Soviet-style internal administration, replacing the traditional county (județ) for the Soviet-style regions and districts (oblast and raion). Part of this change involved creating a territorial autonomy for the Transylvanian Hungarian-speaking community, previously living under counties. The system changed again back to the previous system in 1968.[25] In this case, the great power – the Soviet Union – compelled a client state to create a new autonomous territory.

Cases of direct patronage such as Gagauzia or involvement such as the Magyar Autonomous Region might not be common or well documented. They do however demonstrate the potential for great power patronage in and around the politics of territorial

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21 Seva Gunitsky 2014.

22 For example, the Chinese Communist Party wages influence operations at the level of state governments in the United States. Hamilton & Ohlberg 2020, chapter 5.

23 Within the paradiplomacy literature, a ground-breaking study on the topic is Cantir 2015.

24 Cantir 2015, 273, 281.

25 The autonomy was officially called the Mureș-Magyar Autonomous Region between 1960 and 1968. See Bottoni 2018.

autonomies; either among the authorities of the territorial autonomies themselves or in the creation of an autonomous status. Cases such as these raise several questions. What safeguards are offered by territorial autonomy to prevent or cope with attempts of great powers to patronise local politicians?

3.3 Meddling and unsettling conflict

Many territorial autonomies have been created to manage or settle long-standing conflicts between countries, between centre and periphery, and between the groups residing within and around the territories.[26] Great powers might seek to exploit the underlying conflict found in some territorial autonomies. Instances have been found where secessionist sentiments are exploited and protodiplomacy is encouraged.[27] An example of a great power encouraging *secessionism* inside a territorial autonomy are Russia's covert actions in Catalonia. In Catalonia, the Russian government intervened in the 2017 independence referendum in favour of the independentist movement. Support for them came in the shape of promises of Russian funds for establishing the would-be independent Catalonia, and disinformation campaigns meant to affect the results of the referendum.[28] An example of a great power encouraging *protodiplomacy* among territorial autonomies has been China's approach to Bougainville post-referendum. Bougainville, a territorial autonomy in Papua New Guinea, held an independence referendum in 2019, which set the prospect for independence in the 2020s. Despite the referendum, the politics of Bougainvillean independence remain fraught, with authorities in Port Moresby holding a reportedly ambiguous attitude on the subject.[29] China has demonstrated an interest in Bougainville as a potential security partner and a member of the Belt and Road Initiative (BRI). Since the referendum, China has engaged Bougainville with hopes that, after independence, the new country will not recognise Taiwan.[30]

Despite the similarities in the context of the moves by China and Russia in these two cases, the differences might render these into two analytically distinct phenomena. In Catalonia, Russia acted covertly, and in favour of a specific position (independence) in a controversial, legally questionable referendum vote. In Bougainville, China acted overtly (at least after 2019) and with counterparts in the legitimate authorities seeking the region's independence. In sum, my suggestion here is that great powers may approach territorial

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26 There is a long literature on territorial autonomy as a conflict management strategy.
27 Protodiplomacy is different from paradiplomacy. The latter refers to the international relations of substate regions. The former refers to the international relations of sub-state regions that seek to or are preparing to become independent. See Cornago 2018.
28 Baquero et al 2022.
29 Brucker 2022.
30 Reportedly, China did offer an incentive for independence in 2018. See Knotter 2023.

autonomies for their subjacent conflicts. What might be unique is not conflict per se but the emerging triangle between territorial autonomy, conflict, and great power meddling. This suggestion raises several questions. Do great powers perceive territorial autonomies as particularly attractive for meddling due to the potential for unsettling conflict? Do autonomous statutes offer unique resources to cope with pressure from foreign powers, especially in the background of pervasive conflict?

4. Closing remarks

The purpose of this commentary is to point to the relevance of great power competition to territorial autonomy. This commentary does not offer a definitive conclusion or answer to the question 'how does great power competition impact territorial autonomy?' Following the literature on the international relations of territorial autonomies and the literature on hegemonic studies, I propose three connecting points or linkages: the territorialisation of foreign policy in the context of great power rivalry, great power patronage, and meddling and unsettling conflict. In addition, I have presented several questions to discuss further the interaction of territorial autonomy and great power competition. This comment proposes these three points more as leads for future research. More broadly, the relevance of the global level of politics deserves additional scrutiny when approaching territorial autonomy. Globalisation and continental integration are key phenomena that connect sub-state governments to the global level of international relations. But there are other global phenomena that can play a role in shaping territorial autonomy, its formation, and even its concrete political agenda.

The purpose of this commentary is to suggest that territorial autonomy might suffice to create a 'separate space'[31] within national politics, but not in global politics. As the quote at the beginning points to, territorial autonomy is, in fact, part of an international normative order. But normative orders change constantly, and sometimes they change in response to conflictual dynamics in international politics. Following this thought, I have highlighted the relevance of great power competition for the politics of territorial autonomy. In proposing several linkages or points of contact, this paper hints at the multiple aspects of great power competition that are relevant for territorial autonomies specifically. Territorialisation and patronage hint at the relevance of territorial autonomy in broader foreign policy shifts. Meddling hints at the relevance of territorial autonomy in the constitution of diverse societies and countries. So, exploring how great power competition is relevant to territorial autonomy could refine our understanding of the international

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31   To use the phrase by Hanks (2000) when referring to the ambiguous autonomy of Karakalpakstan.

relations of territorial autonomies as opposed to other types of authorities 'below' the level of the nation-state.

There are caveats to add, preventing a full conclusion to this commentary. First, much empirical research is needed to fill the gaps in our knowledge. For example, new case studies, especially beyond the 'Global North', could shed light on the perceptions, politics, and policies of autonomous governments in light of great power competition. Then, none of these proposed points can be taken at this stage as fully formed hypotheses, as that would require a more comprehensive literature review in the framework of a research project. In that sense, this comment proposes these three points more as 'leads' for future research. Finally, for each linkage, I have presented several questions to discuss further the interaction of autonomy and global politics. These are not meant to be research questions stricto sensu either.

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