

The Åland Example Applied
– a Case Study of the Autonomous
Region of Muslim Mindanao

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Preface

Within the sphere of territorial autonomy research, we have recently seen a shift in focus from pro's and con's of autonomy towards the functions of a totality of systems. The Åland Example can in this context provide an input in discussions about both autonomy, demilitarisation and neutralisation, and minority rights. However, all regions in need of inspiration for a solution differ in what parts of the Åland Example is applicable, and thus more content-based research, i.e. what concrete parts can an autonomy solution entail, still fulfils a function. Several researchers (such as Ghai, Nordquist, Schulte, Spiliopoulou Åkermark, Stephan, and Öst) have in various studies identified factors that have contributed to the durability and stability of the Ålandic system.

This piece of research by Gustav Blomberg applies the established “factors of functionality” on a particular case, namely the Autonomous Region of Muslim Mindanao of southern Philippines. In terms of history and origin of conflict, this situation obviously differs widely from the Åland situation, nevertheless a comparison of cases proves in Blomberg's study to be very interesting.

In the present report, Blomberg shows that the Åland Example may be of interest despite of great differences. Using the factors of functionality, one can pinpoint the underlying problems of a system and then turn to examples of solutions. The Åland Example contains answers to three main categories of questions that are often at the core of a conflict: power-sharing, security and minority identity. In these terms, the Åland Islands may be the “Islands of Hope”, since it is a living example of the fact that power can be shared, there are strategic solutions to security problems embedded in the demilitarisation and neutralisation regimes, and minority identity can be protected through guarantees that do not significantly inflict on the primary interests of the central state.

In this series of on-going comparative Åland Example research, this report is of great interest as the subjects of comparison are one of the oldest ongoing territorial conflicts in the world compared to one of the oldest standing solution to a territorial conflict in the world.

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Abstract

To this date the Muslims in Mindanao have bemoaned the lack of power attached to the Autonomous Region of Muslim Mindanao (ARMM), and have, together with the Philippine state, not been able to extract the benefits from the legislative autonomy. The ARMM has from the start been characterized by systemic malfunctions, rebellion, non-implementation of agreements and laws, armed violence, insecurity, non-delivery of basic services, corruption, disbelief as well as weak structures of autonomy, rule of law and democracy. This single-case study of the ARMM is analysed against the background of the Åland Example, which is often presented as the most enduring and successful example of a territorial autonomy regime. The intent is to find out how the Åland Example could be used in the ARMM to identify the underlying causes of its failing autonomy and find solutions to strengthen its resilience and robustness in order to help the peace process in the conflict between the Philippine Government and the Muslim insurgency.

This analysis exposes a number of factors which are fundamentally hampering the successful operation of the current ARMM, as well as the future creation of an enhanced, enlarged, genuine Bangsamoro autonomy. Special focus is given to the low level of democracy and rule of law, cultural and ethnic heterogeneity and disunity, inadequate security arrangements, weak institutional support in some areas (especially concerning the ARMM's lack of influence over matters under authority of Manila), the level of bipolarity, conflict over valuable natural resources, the almost non-existence of GPH/state-ARMM dispute resolution mechanisms, and the size of and weak insularity/distinctiveness of the ARMM. Moreover, special features of the Åland self-government regime that are of interest to ARMM/a future Bangsamoro autonomy – including such connected to security and law enforcers, dispute resolution, and protection of culture/traditions – have been found. Such features are demilitarisation integrated to autonomy regime, a regional police force under the authority of the regional government, the right of domicile as a tool for minority protection, and a conflict resolution mechanism.

Key Words: The Åland Islands, The Åland Example, autonomy, legislative autonomy, Muslim Mindanao, ARMM, Moros, insurgency

Table of contents

1. Introduction	7
1.1. Introduction to the research problem	7
1.2. Research problem, research questions and purpose	8
1.3. Relevance of the study.....	9
2. The self-government regime of the Åland Islands – background and description of the notion of the Åland Example	10
2.1. Background of the Åland self-government regime.....	10
2.2. The concept of the Åland Example.....	11
3. Background of the Moro conflict and the ARMM	12
3.1. Evolution of the Moro conflict.....	13
3.2. ARMM ailments according to the literature	15
4. Factors of functionality of the self-government regime of the Åland Islands	16
5. Analysis of the ARMM using the main factors of functionality of the Åland self-government regime	17
a. Special security arrangements.....	17
b. Special language and culture protection mechanisms	19
c. Institutional support of the autonomy	20
d. Involvement of the international community and multilateral treaties ...	23
e. Compatibility with the integrity and sovereignty of the state	24
f. Prevention of bipolarity in the conflict.....	25
g. Entrenchment of autonomy and rule of law	26
h. Dispute resolution mechanisms	28
i. Traditions of democracy and pluralism.....	29
j. Ethnic and cultural homogeneity and unity	31
k. No conflict over natural resources	32
l. Size, insularity and distinctiveness.....	33
m. Presence of major regime-change/reshuffle of space	34
6. Conclusion – features of the Åland self-government regime that may be of interest for a new Bangsamoro autonomy	35
7. Bibliography	38
Annex A. Map of Southern Philippines.....	46
Annex B. Map of the Åland Islands.....	47

Abbreviations

AFP	Armed Forces of the Philippines
ARMM	Autonomous Region of Muslim Mindanao
BJE	Bangsamoro Juridical Entity
CAB	Comprehensive Agreement on the Bangsamoro
IAG	Institute for Autonomy and Governance
GPH	Government of the Philippines
MILF	Moro Islamic Liberation Front
MNLF	Moro National Liberation Front
MOA-AD	Memorandum of Agreement on Ancestral Domain

1. Introduction

1.1. Introduction to the research problem

The global security environment has witnessed a relative increase in intrastate wars since the 1970s. These wars greatly exceeds interstate wars today, even though the actual number of internal armed conflicts has dropped significantly since the peak in the 1990s (Marshall & Gurr 2005; Gurr et al 2012; Ghai 2000, p. 1). Most of the internal armed conflicts are a result of ethnic groups that take up arms for the quest of autonomy or independence where identity always plays a prominent role. From the 1950s until early 2005, 71 such conflicts have erupted. In the start of 2005 some 25 armed conflicts about self-determination were on-going, including groups such as the Kurds in Turkey, Karen and Shan in Myanmar, Malay-Muslims in southern Thailand, Acehese in Indonesia and Moros in the Mindanao region in southern Philippines (Kohsla 2005, p. 21).

A way to solve these conflicts and to enhance the protection of minorities lays with different forms of autonomy. Autonomy as a way to settle internal conflicts has, particularly after the Second World War, been a reality in Europe and Asia (Rautz 2009, p. 4). Especially after the Cold War, different autonomy solutions and models have witnessed a rise in relevance and interest around the globe (Wallenstein 2007, p. 172, 175).

Europe has been the birth place of the modern form of a legislative/territorial autonomy, but early autonomies were also created in Central America, such as the Comarca Kuna Yala in Panama (1930s) and the Atlantic Coast in Nicaragua (established in 1987) (Benedikter 2009a, p. 8). Asia has also seen a proliferation of autonomies as autonomy regimes have been enacted in places such as India, Indonesia, Papua New Guinea and the Philippines.

Autonomy arrangements exist in various forms and degrees of self-governance and can be both

successful and unsuccessful in terms of conflict solution and functionality. For instance, the autonomy regimes of the Åland Islands (Finland), South Tyrol (Italy) and the Faroe Islands (Denmark) are cases of the former and attain a very high degree of autonomy (Ackrén 2009 p. 111–126). Examples of less resilient autonomies that face major problems are Nagorno-Karabakh (Azerbaijan), Kashmir and Muslim Mindanao in the Philippines (Ackrén 2009, p. 111; Spiliopoulou Åkermark ed. 2011).

The Åland Islands, under Finnish sovereignty, is a case of particular interest within this context as Åland is one of the oldest autonomies still present in Europe and, if one focuses only on modern democratic states, one of the oldest in the world (Rautz 2009, p. 4; Roslin 2006, p. 38). Åland is a case exemplifying a well-known, internationally entrenched and successful conflict resolution effort and a minority protection regime. It has developed into an evidently resilient and robust autonomy regime. Furthermore, the Åland Islands are said to hold “one of the most far-reaching forms of international minority protection regime that ever existed” (Öst 2011, p. 72–73).

Åland has legislative powers in a wide range of areas and an executive body. Except having substantive legislative/territorial and cultural autonomy provided by the Autonomy Act of Åland and Finland’s constitution, the islands are demilitarised (since 1856) and neutralised in war time (since 1921).

Important components of the Åland system are the broad autonomy, the setup of the institutions of self-government, the mechanisms for cooperation with the Finnish state, the financial arrangements with the Finnish state, the international guarantees, the security arrangements, the demilitarisation and neutralisation, the right of domicile and the legal and institutional frameworks for cultural and language protection (Stephan 2011; Öst 2011; Spiliopoulou

Åkermark 2011b; Roslin 2006 p. 10–30). The ‘Åland Example’ – as it is called in academic circles – has been rigorously studied in order to understand why the League of Nations’ settlement worked out so well and how the Åland regime has proven to be so resilient.

The result of the international interest in the Åland Example is that it has developed into an internationally recognized case of conflict resolution for regions where autonomy can be a possible solution to a conflict. This is not odd in any way; to use models and examples of autonomy in conflict ridden zones where autonomy could be a viable solution is very common. This is the case regarding both the Atlantic Coast in Nicaragua and Aceh in Indonesia (Brunnegger 2007, p. 4; Viinanen 2012). In the Aceh case, several autonomies were studied, including the Åland Example (Viinanen 2012).

Different cases of autonomy are also studied in Muslim Mindanao in southern Philippines. During the just recently finalised and successful peace negotiations between the Government of the Philippines (GPH) and the main Moro rebel movement known as the Moro Islamic Liberation Front (MILF), the structure of a reformed and empowered Autonomous Region of Muslim Mindanao (ARMM) – a new future Bangsamoro¹ autonomy – is a central issue. During recent years models and examples from other successful autonomies have been discussed in the negotiations – including the Åland Example (Rosauo 2012). It is maintained that Manila and Moro leaders need to learn from other working autonomies around the world (Bacani 2005a, p. 4).

1. Bangsamoro is the name of the Muslims in Mindanao and also the name of the new autonomy in Muslim Mindanao that will be created in 2015 if the draft Bangsamoro Basic Law is accepted by the Philippine Parliament.

The ARMM was established in 1989 to try to solve the armed rebellion in Mindanao between the Philippine central state and the Muslim minority in Mindanao (collectively known as the Moros or Bangsamoro) – a rebellion which at that point had been active since 1972. However, the ARMM never fulfilled its promises and the armed conflict continued shifting between low and high intensity. Recurring peace negotiations, peace deals and cease fires have until today not yielded any lasting peace. The current ARMM is generally seen as to be failing, and the recently ended peace talks centred on how a new Bangsamoro autonomy would be crafted (International Crisis Group 2011a).

1.2. Research problem, research questions and purpose

Because of the interest in the Åland self-government regime on international platforms and among scholars from various academic fields, as well as politicians and mediators, features from the regime have already been taken up and discussed in various ways during a number of conflicts in recent decades. One example of this occurred within the Former Yugoslavia (Naucér 2011). According to *The Åland Example and Its Components – Relevance for International Conflict Resolution* (Spiliopoulou Åkermark ed. 2011) and a presentation by the Head of the Government of the Åland Islands Camilla Gunell at a seminar in New York in 2012 (Gunell 2012), the Åland Example has been used in discussions in cases such as Abkhazia and South Ossetia in Georgia, Former Yugoslavia, Northern Territories (Japan/Russia), Okinawa, Papua New Guinea/Bougainville, Tibet, Nagaland (India), Sri Lanka (the Tamils), Crimea (Ukraine), East Timor, Hong Kong, Israel/Palestine, Kurdistan and Nagorno-Karabakh (Azerbaijan/Armenia).

As we can notice here, and according to my research, the Åland Example has not been used in

any substantial way in relation to Muslim Mindanao. However, during the few last years the Åland Example has become of greater interest.

The focus of this single-case study is to analyse how the Åland Example could be used in the ARMM. The overall main goal of the study is to shed light on how the Åland Example – and territorial autonomy more broadly – could be used within a multi-ethnic conflict-region, in a context very different from its own.

Based on the purpose of this study, the research questions are the following:

1. Which are the main factors of functionality of the self- government regime of Åland?
2. How and to what degree are these factors of functionality present in the Autonomous Region of Muslim Mindanao (ARMM)?
3. Can features of the Åland Example be applied in Muslim Mindanao in order to strengthen the autonomy's resilience and its robustness in such a way that it would help the peace process between the Philippine Government and the Muslim insurgency?

1.3. Relevance of the study

As hinted above, the Åland Example has quite recently been put forward as a source of inspiration on how the Philippines could reform the ARMM and it has subsequently gained some attention. In the beginning of December 2011, Mohagher Iqbal, head of the MILF panel, made reference to the autonomy of the Åland Islands during the peace talks between MILF and the Philippine Government in Kuala Lum-

pur (Philippine Daily Inquirer, Rosauro 2012). Hence, the parties to the conflict are aware of the existence of the Åland regime. Official Philippine Government representatives have also on occasions visited the Åland Islands. In November 2011 the Philippine Ambassador attended an international seminar on the Åland Example in Mariehamn. The Ambassador also visited another seminar with a similar topic at the Finnish Parliament in April 2012. The initial Philippine interest in looking at the Åland Example highlights the relevance of contributing to the body of research on the use of the Åland Example in multi-ethnic, autonomy-prone contexts.

The conflict in Muslim Mindanao is of relevance to the international community as it is, according to Schiavo-Campo & Judd (2005), the second oldest conflict still active in the world. Political and other grievances are still very present in the ARMM. The conflict persists due to the fact that the autonomy is failing in its structure and adequacy.

The ARMM is plagued by insecurity, disunity, poorly systemized relations between the autonomy and the central state as well as insufficient minority protection structures. What makes the Åland Example of real special interest to Muslim Mindanao – apart from its principles based on “full protection of the minorities’ rights and sufficient autonomy taking into account the historical, local, and cultural conditions” (Spiliopoulou Åkermark 2011a, p. 10) – is its overall security regime, the culture and language protection mechanisms, its institutionalized conflict solving system as well as its strong supporting institutions of autonomy.

2. The self-government regime of the Åland Islands – background and description of the notion of the Åland Example

2.1. Background of the Åland self-government regime

Finland declared independence in December 1917 from Tsarist Russia, and in the same year the Ålanders started to struggle for reunion with Sweden. Åland, with its overwhelmingly Swedish population, wanted to belong to Sweden because of the risk for “finlandization” of the islands after the country declared independence. There was also the civil war in Finland, which started in January 1918 between “reds” and “whites”, as well as the worry of a Communist wave in Finland that enforced the struggle for reunion (Jansson 1997, p. 2–3).

Therefore the Åland Movement (“Ålandsrörelsen”) arose in 1917 as a grass-root political movement that fought for re-unification with the kin-state Sweden. Sweden supported their cause. Probably the most crucial achievement of the Åland Movement was to internationalise the conflict and to make it an issue on an international level – an issue that was eventually resolved when the Åland Question (“Ålandsfrågan”) was raised within the League of Nations in 1921. The movement played a significant role (together with a Swedish diplomatic note and a British initiative in the League of Nations) with regards to why the Åland Question came to the League of Nations.

The League of Nations decided that Finland had sovereignty over the islands, but provided in the 24th June 1921 Åland Decision for special guarantees regarding the protection of Ålanders as well as continued demilitarisation and from then on also neutralisation. The guarantees for the protection of the Ålanders were further laid out in the Åland Agreement between Finland and Sweden that followed three days af-

ter the Åland Decision. The decision aimed “at the preservation of the Swedish language in the schools, at the maintenance of the landed property in the hands of the Islanders, at the restriction, within reasonable limits, of the exercise of the franchise by newcomers, and at ensuring the appointment of a Governor who will possess the confidence of the population” (Decision on the Åland Islands of the Council of the League of Nations “The Åland Decision”). Furthermore, the Åland Agreement included financial arrangements and the Council of the League of Nations’ supervisory function over the application of these guarantees (The Åland Agreement in the League of Nations 1921). As part of the deal, these were later incorporated in Finnish legislation (the Guarantee Act, 1922). Later in 1921 the “Convention Relating to the Non-fortification and Neutralisation of the Åland Islands” was also signed.

One should remember that Finland actually had proposed an autonomy solution and drafted the first Act on Autonomy before the League of Nations decided to handle the conflict. The League of Nations decision rests very much on the fact that an autonomy proposal was on the table, which the organisation indeed took a close look at. After 1921, the autonomy, the language and cultural protection guarantees, as well as the demilitarisation/neutralisation, have developed in several stages and have become closely related to each other – “they influence and support each other” (Spiliopoulou Åkermark 2011a, p. 16). This is the case because the language and cultural guarantees have been incorporated into the legislation, and demilitarisation and neutralisation became not only a security arrangement to settle Sweden’s interests, but also developed to an internal security arrangement on Åland (Spiliopoulou Åkermark 2011b, p. 50–53). The Autonomy Act of Åland has been revised in 1951 and 1993, and a new revision is presently on its way (Jansson et al 2010).

2.2. *The concept of the Åland Example*

The term ‘the Åland Example’ aspires to summarize the components of the special regime applying to Åland and the conditions behind the peaceful solution of the conflict in 1921, as well as the development of the regime throughout more than 90 years of autonomy and neutralisation and 150 years of demilitarisation. The Åland Example is a term that was introduced in the 1990s as a reaction to the idea of the Åland Islands as a model (Spiliopoulou Åkermark 2011a, p. 8–9).

According to Spiliopoulou Åkermark, the understanding of the Åland Example has two levels where “at a conceptual and political level the Åland Example is a point of reference in discussions about self-determination, minority protection, and territorial self-government”. On a descriptive level the Åland Example can be summarized as having three main pillars: (1) the demilitarisation (active since 1856) and neutralisation (since 1921) of the Åland Islands, (2) the territorial/legislative autonomy and self-government of the Åland Islands since 1921, (3) and the language and culture protection mechanisms constituted by legalisation, practice and custom.

According to Roslin (2006, p. 30), what makes the Åland Example interesting to those struggling for autonomy and self-government around the world – including the Moros in Muslim Mindanao who wish for a reformed and strengthened autonomy – are a number of features: (1) the conflict was solved in a peaceful manner on both the national and the international arena; (2) the integration of demilitarisation and neutralisation in the autonomy as well as the conflict solution; (3) the strong constitutional basis of the autonomy; (4) the resilience and the longevity of the autonomy arrangement; (5) the wide range of competences that the Åland government has; (6) the legislative assembly (i.e. the Parliament of Åland) is elected through proportional, secret and democratic

elections and the government is chosen according to the classical rules of parliamentarianism, and finally, (7) in order to amend the Act on the Autonomy of Åland a consent both from the Parliament of Åland and a qualified majority in two subsequent elected assemblies in the Parliament of Finland is needed.

The fact that demilitarisation and neutralisation are coupled with autonomy and self-government constitutes a special feature. While autonomy and demilitarisation have existed together in the same place in other regions, Åland is in fact the only autonomous region in the world that is both autonomous and a demilitarised and neutralised zone (Spiliopoulou Åkermark 2011b, p. 50).

Åland’s status in international law is considered to be one of the most special and defining features (Öst 2012, p. 6). However, its self-government should be foremost looked at as a minority protection regime in which “preservation of its Swedish language, culture and traditions” is the main source of purpose (Jansson 2001, p. 19). Important institutions of support for the autonomy, such as the Åland Delegation, the President of Finland and Åland’s own independent police, as well as stable financial arrangements with the Finnish state and the special minority protection mechanism of the right of domicile is also often mentioned in relation to the Åland Example.

When discussing the Åland Example it is also important to mention negative experiences, the problems and conflicts that Åland and mainland Finland have experienced over time. For instance, Ålanders were for quite some time disappointed in the ruling pursued by the League of Nations and their distrust and disappointment also amounted to various struggles with the Finnish authorities (Sundback, 1994, p. 70). Åland is constantly struggling to uphold and protect its self-government vis-à-vis the national government, not least in light of the effects

of globalisation and EU-membership. Åland is often faced with a lack of knowledge and possibly ignorance both in Finland and in other Nordic countries regarding its status and legislative framework. In recent years, a crucial concern for Åland has been that it does not have any representative (MEP) in the European Parliament, although Åland transferred to the European Union substantial authority over matters under its competence at the accession in 1995.

3. Background of the Moro conflict and the ARMM

In order to understand the ARMM, it is crucial to understand the Moro conflict from past to present as well as how and why the ARMM was created in the first place.

The Autonomous Region in Muslim Mindanao (ARMM) is located in the southern part of the Philippines in Mindanao, in the Bangsamoro (Muslims in Mindanao) homeland, with a population of more than 3.2 million. The autonomy was created by the Organic Act of the Autonomous Region of Muslim Mindanao in 1989², and later strengthened by an amendment in 2001³ (CountrySTAT Philippines).

The territory that ARMM has authority over⁴ – i.e. its territorial jurisdiction – include 116 municipalities, two cities, and five provinces: Maguindanao, Lanao del Sur, Sulu, Taw-Tawi and Basilan (the latter joined the ARMM after a referendum in 2001) (CountrySTAT Philippines).

The ARMM has a Legislative Assembly, a Regional Government with a Regional Governor (executive power), and an Executive Council (advisory role to the Regional Governor). Each province in the ARMM has a governor and on top is the regional governor of the ARMM, who is based in the capital, Cotabato City. The current Governor, Mujiv Hataman, from Basilan, was appointed by President Aquino as caretaker governor of the ARMM in 2011 until elections in 2013, when he was re-elected, and is broadly accepted (International Crisis Group 2012, p 1, 5; Official website of the Autonomous Region in Muslim Mindanao).

2. Republic Act No. 6734
3. Republic Act No. 9054
4. See map in Appendix A

3.1. *Evolution of the Moro conflict*

The armed conflict in Muslim Mindanao in the Philippines has received a lot of international attention during the last decades as recurrent guerrilla warfare, anti-terrorist support from the US-military and bumpy peace processes have highlighted the historic deeply-rooted conflict in the region.

The Moro insurgency in Mindanao is one of the oldest still ongoing conflicts in the world. The conflict can be traced back to the Spanish colonization of the Philippines when the colonizers tried, but failed, to overtake and control Mindanao (Schiavo-Campo & Judd 2005, p. 1). Islam came to Mindanao from today's Malaysia and Indonesia long before the Spanish colonization, and the creation of powerful, independent Sultanates in Maguindanao and Sulu marked the strong formation of a Muslim society in the region. The Spanish colonial period witnessed several Moro wars in four stages spanning over four centuries (Human Development Network 2005, p. 65). When the US overtook the government of the Philippines after the Spanish-American war and the subsequent Philippine-American War, Mindanao's glorious days were over as the US succeeded to gain control over the region through military force by 1913. After the Philippines became independent in 1946, Mindanao became incorporated in the new nation-state; whereby the conflict became latent. Therefore it was no surprise when it flared up again during the end of the 60s and beginning of the 70s. At the roots of the conflict lies systematized and historical minoritization and marginalization of the Moros by Spain, the US and the modern state of Philippines (Human Development Network 2005, p. 65).

From the Moro-viewpoint, according to Macapado A. Muslim (1994, p. 52–133), one can identify 10 underlying causes for the conflict throughout the timespan from 1898 to 1972. Historical roots include (1) the forcible/illegal

annexation of Moroland to the Philippines under the Treaty of Paris in 1898, (2) military pacification by the US colonizers, (3) imposition of confiscatory land laws, (4) Filipinization of public administration in Moroland and the destruction of traditional political institutions, (5) government-financed/induced land settlement and migration to Moroland, (6) land-grabbing/conflicts, and (7) cultural inroads against the Moros. Contemporary causes are (8) the Jabidah massacre in 1968, (9) Ilaga (Christian vigilante) and military atrocities in 1970–72, and (10) government neglect and inaction on Moro protests and grievances. It is also important here to stress that the Moro issue and the secessionist armed conflict have been more about land and territory than religion, thus it is not a religious war.

While secessionist tendencies had surfaced in the late 1960s, the contemporary insurgency started with full force in the beginning of the 1970s after two highly antagonizing events sparked the armed conflict. Respectively, those were the Jabidah massacre in 1968 and when President Ferdinand E. Marcos declared martial law within Mindanao in 1972 (Human Development Network 2005, p. 66; The World Bank 2005, p. 2). This separatist conflict has not yet come to an end. The death toll has been estimated to be at least 120,000 and the displacement number more than two million since the early 1970s (Human Development Network 2005, p. 6; Mercado et al 2009, p. 60; Schiavo-Campo & Judd 2005, p. 5).

Moro National Liberation Front (MNLF) and Government of the Philippines (GPH) peace negotiations during the 1970s and 1980s and the foundational Tripoli Agreement in 1976 between Philippine President Marcos and MNLF rendered much hope, but failed in its purpose. The Constitution of the Philippines from 1987, which was adopted one year after the ousting of the Marcos regime through a revolt, mandates and sets the frame of the current ARMM. The 1987 amendment of the constitution was Ma-

nila's way of complying with the Tripoli Agreement from 1976. In the late 1980s the spring of a regional autonomy in Muslim Mindanao was visible.

After several years of internal war, armed skirmishes and on-off peace negotiations the Final Peace Agreement between the MNLF and the GPH was agreed upon in 1996. While the main goal of the Agreement to implement the Tripoli Agreement from 1976 ultimately failed, the positive outcomes were the final cessation of the MNLF-GPH armed conflict, the integration of the MNLF fighters into national security forces (both the army and the police) and the expansion and the strengthening of the ARMM through an amendment to the Organic Act of the ARMM (2001).

However, the rebel movement that splintered from the MNLF in 1984 and established by Hashim Salamat, the Moro Islamic Liberation Front (MILF), did not accept the Final Peace Agreement between the MNLF and the GPH (International Crisis Group 2012, p. 1). For the MILF, the ARMM was too weak and far from independence, which was the original goal of the Moros. The MILF was fighting for a stronger autonomy – a 'sub-state' with an 'associative relationship' to an asymmetrical Philippine state (Santos, Jr. 2011b, p. 81). So the conflict has continued, and has done so by changing faces between negotiation/peace talks, all-out war and smaller armed skirmishes.

The MNLF has basically demobilized away from armed struggle and remains marginalized⁵. Thus, the MILF are the main standard bearer of the Moros since 1996 (International Crisis Group 2012, p. 4).

5. However the group has not yet been disarmed and remains an actor in the whole peace process. MNLF is still the government's Moro counterpart in the Final Peace Agreement, which the current ARMM is a result of.

The GPH and MILF peace process started in 1997 and has not ended yet. They arrived at a breakthrough in 2001 when the Agreement on Peace was signed in Tripoli in Libya (the second Tripoli Agreement), even though the Philippine army's all-out war policy against the MILF persisted in 2000, and several armed skirmishes have occurred between them since then. The parties came close to a final comprehensive peace agreement in 2008 when the Gloria Macapagal-Arroyo government and the MILF had negotiated the Memorandum of Agreement on Ancestral Domain (MOA-AD), but it was turned down in the last minute due to a Supreme Court ruling that declared the Agreement unconstitutional (McIndoe 2010). The MOA-AD would have expanded and strengthened the current autonomous region, replacing the ARMM with a new Bangsamoro Juridical Entity (BJE). However, Christian politicians, fearing to lose control over their barangays (i.e. villages), successfully brought the case before the Supreme Court (McIndoe 2010). The Lumads⁶, an indigenous people, shared the Christian's fears (International Crisis Group 2011b, p. i). These two groups were not part of the peace negotiations leading up to the MOA-AD and the GPH never made any effort to include them (International Crisis Group 2009, p. 1).

One year after the MOA-AD, in 2009, 75,000 civilians were still living in evacuation centers and 230,000 were living elsewhere displaced from their home regions because of fighting in the 2000's (International Crisis Group 2009, p. 3–4).

Results of the latest peace efforts were positive when a Framework Agreement on the Bangsamoro between the MILF was signed in October 2012. The GPH and MILF finally signed

6. The indigenous Lumad people, or simply Lumands, lives in Mindanao and is in fact an umbrella term of several different ethnicities and tribes.

a historic peace agreement in Manila in March 2014, known as the Comprehensive Agreement on the Bangsamoro (CAB), which provides for the creation of a new and strengthened genuine autonomy, called Bangsamoro, which would replace the old ARMM (Conciliation Resources 2014; Herbolzheimer 2014). CAB followed the completed negotiations and signing during the 43rd round of talks in Kuala Lumpur of the final annex – which focuses on the security arrangements in the Bangsamoro.

The other three previously signed annexes focus on power sharing, transitional arrangements and wealth sharing. The negotiations have been hosted by the facilitator the Malaysian Government and supported by the International Contact Group (Herbolzheimer 2014).

However, there is still a lot to do; the provisions of the settlement still need to be implemented and the Basic Law on the Bangsamoro still needs to pass the Philippine Parliament without being watered down. Experience tells us this is a difficult task.

3.2. ARMM ailments according to the literature

ARMM is widely considered to have substantive structural and systemic defects, which has led to wide disbelief in autonomy, both within Manila and in ARMM. The ARMM lacks sufficient leverage and self-government vis-à-vis Manila, it has weak institutions of autonomy, and it is too dependent on the central government (Toledo 2011b; Bacani 2005a, p. 1–2; Bacani 2005b, p. 3).

The dysfunctionality of the ARMM can also be attributed to sources within the ARMM. It has been plagued by corruption from those in power and by “ineffective and uninspired leadership” (Bacani 2005b, p. 5). Political dynasties, lack of transparency, perceived inefficient and ineffective ARMM governance, and unreliable and bad bureaucratic practices in the ARMM are also part of this problem (Toledo 2011b, p. 12; The World Bank 2005, p. 28).

Another substantial problem is the ARMM’s financial situation. While Manila accuses the ARMM of having become corrupt and a “milk-ing-cow” for its leaders, the central government has only partly fulfilled its commitments to extensive social and economic development in the region (Bacani 2005a, p. 1–3; Carlos et al 2010, p. 174; Mercado 2011a, p. 135). Nonetheless, central government financial support to the regional government in ARMM, in order to finance the institutions of autonomy, seems to be inadequate (Bacani 2005a, p. 2, 3).

The regional government enjoys some steady allocation of revenues from the national government’s annual budget and authority to levy some taxes, but the funds available to the ARMM government are far too small and irregular to run the autonomy. The ARMM thus remains heavily dependent on the national government’s and other donor’s transfers of grants and subsidies (Tuminez 2008, p. 9; Mercado et al 2009, p. 86). Moreover, the ARMM has very limited political and fiscal authority over local provinces inside the ARMM. Financially, the provinces, and maybe even the barangays, within ARMM are more independent than the ARMM itself (Oquist & Evangelista 2006, p. 14).

Other ailments of the ARMM are low agricultural and industrial productivity and poor delivery of, and access to, basic services and facilities, including education, health services, housing, fresh water and sanitation (Toledo 2011b, p. 4–6). The armed conflicts in Mindanao have also brought economic isolation as well as underdevelopment and poverty (Toledo 2011b, p. 11, 14–15; Parcasio 2011, p. 18). The ARMM is the most impoverished region in the Philippines with the highest poverty rates, lowest life expectancy in the country, a population growth of 2.4 %, electricity supply short falls, low enrollment and education rates, and low income rates (Mangahas 2010, p. 2; Human Development Network 2005, p. 24, 34, 60–61, 100; Mercado et al 2009, p. 87).

Several factors aggravate the possibilities of creating a working autonomy in Mindanao. The insurgency and the peace negotiations have a very complex and multi-faceted dynamic due to high-profile political power struggles, clan feuds within the ARMM, conflicts within the Moros and factions within the MILF and MNLF as well as the presence of several other rebel groups in the region. Besides the Muslim majority, a large Christian minority and the indigenous Lumad people live in the ARMM and other adjacent areas.

4. Factors of functionality of the self-government regime of the Åland Islands

In order to identify the conditions that have made the self-government regime of the Åland Islands a well-functioning framework for minority protection, the book *The Åland Example and its Components – Relevance for International Conflict Resolution* is here used as a foundation, in particular the chapter by Yash Ghai on factors of success of the Åland autonomy (Ghai 2011, p. 102–108). Also his analysis of successful factors of autonomies in general are important (2000, p. 14–25), as well as the works done by Spiliopoulou Åkermark (2011a; 2011b) and Öst (2011).

The factors from the above mentioned book will constitute 11 of the study's 13 factors of functionality of the Åland autonomy⁷. The other two clusters of factors included, which are of major importance and closely interlinked with that of Åland's autonomy, are the cultural and language protection mechanisms and the special security arrangements (which include the demilitarisation/neutralisation regime). These two clusters are derived from Öst's (2011) and Spiliopoulou Åkermark's (2011a; 2011b) work.

7. Yash Ghai's factors of success of the Åland autonomy can be found in Spiliopoulou Åkermark's ed. (2011) *The Åland Example and its Components – Relevance for International Conflict Resolution*. The factor of regime-change/reshuffle of space of the success of the Åland autonomy was included in the Introduction chapter done by Spiliopoulou Åkermark in the same book, but it is actually based on previous work done by Yash Ghai in a study from 2000, however Ghai never included this factor when he outlined the factors of success of the Åland autonomy.

The following chapter will, besides contributing to the understanding of why the Åland self-government regime has proven functional, resilient and durable, also link the factors of functionality of the Åland self-government to the existing literature on autonomy.

The factors of functionality of the Åland self-government regime, as presented by Ghai, Åkermark and Öst, are:

- (a) special security arrangements,
- (b) special language and culture protection mechanisms,
- (c) institutional support of the autonomy,
- (d) involvement of the international community and multilateral treaties,
- (e) compatibility with the integrity and sovereignty of the state,
- (f) prevention of bipolarity in the conflict,
- (g) the rule of law and entrenchment of autonomy,
- (h) dispute resolution mechanisms,
- (i) traditions of democracy and pluralism,
- (j) cultural and ethnic homogeneity and unity,
- (k) no conflict over natural resources,
- (l) size, insularity and distinctiveness of Åland autonomy, and finally
- (m) presence of major regime-change/reshuffle of space.⁸

8. The factors derived from Yash Ghai's work are: c, d, e, f, g, h, i, j, k, l, and m.

5. Analysis of the ARMM using the main factors of functionality of the Åland self-government regime

The main factors of functionality of the Åland self-government regime as outlined above will be used in the analysis and the description of the actual situation of the autonomy in the ARMM; the structures, institutions and “health” of its territorial autonomy. The main idea is to find what ails the ARMM concerning its autonomy.

a. Special security arrangements

One of the main arguments of granting autonomy in secessionist conflicts is grounded in security – meaning that an end to the conflict is equal to enhanced security in the country. But, how is internal security organized in order to provide security and peace to the population inside an autonomous region? This issue is of great importance in situations where there is no trust between the regional autonomy and the central government, including their military and security apparatus (Tkacik 2008, p. 397). In Åland lack of trust between the central government and the minority led to the development of a highly legalistic system governing the relationship between Åland and Finland. It is also the reason why public order and security are competences of Åland. Åland is actually one of few regional autonomies in the world that is in charge of its own police force – which of course is of major benefit in getting the minority's trust in the security apparatus (Naucmér 2012c).

The demilitarisation and neutralisation regimes in Åland (which originates from the 1856 Convention on the Demilitarisation of the Åland Islands) add to the overall security context in Åland and moreover add a military security dimension to the Åland Example that deserves recognition (Spiliopoulou Åkermark

2011b, p. 50). Even though the demilitarisation and neutralisation treaty in 1921 was considered to fit Swedish demands due the islands' strategic importance, demilitarisation and neutralisation are today understood as an integral part of the internal security on the islands. By the people of Åland, and their leaders, it is considered to be a cornerstone in their autonomy (Jansson 1997, p. 6; Naucér 2011, p. 153). It is well acknowledged that the demilitarisation and neutralisation regimes strengthen and support the autonomy (Spiliopoulou Åkermark 2011a, p. 16; Ahtisaari 2001, p. 6–9; Lapidoth 2001, p. 42).

After the now many-decades long armed conflict in the ARMM and adjacent areas, a lack of security and rule of law is evident. The high amount of private armies, militias, small firearms, vigilantes, and clan feuds, as well as terrorism and the lack of control of security forces, strongly indicates a high level of insecurity. It is fueled by the insurgency, poverty and underdevelopment (Schivo-Campo & Judd 2005, p. 6; Buchanan 2011, p. 8; Toledo 2011b, p. 6). A telling example is the massacre of 57 people in 2009 in Maguindanao.

There is also a low trust in law enforcement and judicial institutions (Carijane & Dayag-Laylo 2004, p. 6). This leads, among other things, “to a predisposition towards violence” and to support of secessionist movements (Carijane & Dayag-Laylo 2004, p. 16). The security forces from Manila are not respected in the ARMM (International Crisis Group 2012, p. 11), and the heavy presence of the Philippine army, Armed Forces of the Philippines (AFP), within Muslim Mindanao is moreover perceived by many as “a Force of Occupation” (Mercado 2011a, p. 148; Mercado et al 2009, p. 105).

But what significant security measures have been done in order to halt the armed violence and increase the sense of security in the region? During the 21st century three bodies that have been created in order to provide peace and security can

be highlighted: the International Monitoring Team lead by Malaysia (with several other countries in the team) has played an important part in the peace process and, among other things, monitors the cessation of hostilities between the GPH and MILF; the Coordinating Committees for Cessation of Hostilities – local ceasefire monitors; and the Ad Hoc Joint Action Group, which was created in 2002 (and expired in 2008) to find criminal elements in order to distinguish real insurgents from those that are lawless (International Crisis Group 2009, p. 2–5).

Most interesting for this study is the fact that the Final Peace Agreement in 1996 provided for the creation of an ARMM police force (the Special Regional Security Force of the ARMM), however, it was not made operational due to implementation issues (Mercado et al 2009, p. 11, p. 37). The intention was to set up security forces that are not hostile to the inhabitants of the autonomous region (Mercado et al 2009, p. 37). There have thus been sincere calls to set up a regional “Bangsamoro police force” – a call echoed by MILF during the current peace process (International Crisis Group 2013, p. iii, 2; International Crisis Group 2012, p. 11). Importantly, it is provided for in the new draft Bangsamoro Basic Law from 2014. The organisation of the Åland police force could here act as a source of inspiration to the organization of a Bangsamoro police force.

In contrast to the Åland police, the current police force in the ARMM is not considered as ‘one of the people’ (Mercado et al 2009, p. 105). The Åland police is under the authority of the Åland government and its functions is determined by laws enacted by the Åland legislature. It exercises the same functions as the police in Finland and cooperates with the Finnish police in certain matters. The criminal law is under Finnish authority, whilst the Finnish Customs, the Finnish Border Guards, the National Bureau of Investigation and the Finnish Security Intelligence Service are all national bodies.

Another response to insecurity by the GPH (with support from the US) has been the Philippine army's and the US army's post 9/11 counterterrorism operations against mainly the radical Islamist Abu Sayaff group in Mindanao (Human Development Network 2005, p. 75).

Even though there is a ceasefire between the MILF and the GPH upheld at the time of writing (October 2015), the ARMM is the Philippines' most militarized region (Mercado et al 2009, p. 71). In terms of disarmament, demobilisation and reintegration of fighters, not much has been done. The 1996 Agreement and latter agreements never provided for the two former, but it had a reintegration plan for MNLF fighters, which at least partly has been implemented. The almost complete absence of demobilisation and disarmament of rebels is "one of the reasons for recurring peace and order problems in the region" (Mercado et al 2009, p. 13–14).

Quite interestingly, it appears that demilitarisation of the ARMM has been considered, as hinted in an Institute for Autonomy and Governance (IAG) Policy Review (Toledo 2011b, p. 13) by Professor Alex Brillantes. However, it seems as if what Brillantes means is demilitarisation of the armed groups, not a demilitarized zone. Here the experience from Åland's demilitarisation and neutralisation regime – how it can be integrated in the autonomy regime, and how it can be used as an internal security measure – may be a case of real interest for Muslim Mindanao.

Because the Sulu archipelago and the rest of the territories in the ARMM do not pose any significant military strategic importance to foreign powers the creation of a neutralised zone does not seem to be a solution to the pertinent security problems in the ARMM, however, the opposite can be argued regarding a demilitarised zone. Crucially, a demilitarised zone in ARMM would mean that the AFP and all organized rebel groups were to withdraw/disband and disarm all its units, demobilize, and destroy all mil-

itary facilities and equipment within the zone. Even though a pullout of the army can be problematic in this case because of the on-going "war on terror" and organized criminal groups, such issues could be dealt with by the Philippines special national security forces.

b. Special language and culture protection mechanisms

Specific language and culture rights, including protection mechanisms, are most often one of the core elements behind a people's quest for autonomy and self-governance if the region's people speak a different language than that of the mother-state. Local control and regulation over the culture/traditions and the main spoken language(s) in the region (especially in the public spheres) is an essential cultural power of an autonomy (Benedikter 2009b, p. 243). The evolved protection of the Swedish language through legal means, custom and practice within Åland is of great importance as it made the League of Nations' deal acceptable to the Ålanders (Jansson 1997, p. 3). These guarantees⁹ are a case of continuity in the Åland regime, but the design of the protection mechanisms have changed over time (Öst 2012, p. 7–8).

The right of domicile has evolved out of the culture and language protection guarantees and is a crucial part of the minority protection arrangements on Åland. One reason for having special rights connected to domicile is to protect the minority and the composition of the population (Benedikter 2009b, p. 249). The right of domicile ('hembygdsrätten') on Åland is often defined as a sub-citizenship/local citizenship, but it is more accurate to call it a form of indigenous right (Naucmér 2012d). The right of domicile gives special rights and benefits to the inhabitants of the autonomous region such as the right to acquire land and to run a business with-

9. The guarantees are outlined in chapter 2.1.

out special permission, to vote and stand in the elections to the regional parliament, and to be exempted from military service (Öst 2011, p. 81–84; Act on the Autonomy of Åland, Section 7).

The backbone of the Åland self-government regime is the protection mechanisms for its culture and language. The Moros are no different than the Ålanders in this matter and maintain many of the same aspirations. Thus, a Bangsamoro right of domicile – if constructed wisely in accordance with the local context and desires – would tentatively increase the protection of Muslims' (and all other residents domiciled in the region) traditions, culture and ownership of land and property. Furthermore, if fully implemented without any loopholes, an ARMM right of domicile would also solve many of Moro and Lumad concerns over land and water rights; including ownership over ancestral land, community based land and land with known natural resources.

Control of the education system in the autonomous region is especially important as education in the local language(s) and/or that is based on local traditions, culture and religion, are essential for the protection and development of the minority. It was the guarantee clause on the protection of the Swedish language in public schools that was most important for the Ålanders in the League of Nations' decision in 1921 (Öst 2011, p. 77–81).

The protection of languages in Mindanao is not perceived as an acute issue (with the exception of the Lumad languages) in ARMM. The opposite can be concluded about the protection of Moro culture. The MILF views the “adoption of Islamic institutions [...] as an essential element in the reassertion of the identity of the Muslims of Mindanao” (The World Bank 2005, p. 28). That culture, traditions and religion matters in the ARMM is indicated by the fact that pride for one's ethnicity and religion, high religious activity and high regard for religious lead-

ers are core values in the society (Carijane & Dayag-Laylo 2004, p. 1). An important achievement is the introduction of Arabic in the curriculum in public schools in the ARMM (Ferrer 2011, p. 6). We shall now take a closer look at actual protection mechanisms.

The two main mechanisms for protecting Moro culture and religion are the application of Sharia laws in ARMM and the legislative assembly's authority to pass laws on matters concerning education. The Sharia laws are however subject to the constitution and the national government has the general authority over the administration of justice. Even if these powers are significant achievements and create hope for the future, defects and malfunctions in both the education system and the Sharia courts exist in ARMM. An IAG study group that has looked into the implementation of the 1996 Final Peace Agreement have found several deficits in the education system within the ARMM that are detrimental to Moro culture and religion (Mercado et al 2009, p. 87).

The Madrasah schools (Islam-based) are not public, but private, and get their funding from the local community and foreign donors. However, they “are recognized to be the single most important factor in the preservation of the Islamic faith and culture in the Philippines” (Asian Institute of Journalism and Communication, Madrasah in the Philippines, quoting Department of Education Undersecretary for Muslim Affairs, Dr. Manaros B. Boransing.). Oddly, the Regional Assembly has been restrictive in enacting legislation that would promote and evolve both the Madrasah education and the Sharia courts within the ARMM.

c. Institutional support of the autonomy

As Ghai notes, the autonomy on Åland has a well-developed institutional support structure, which has not only strengthened the identity of the people on Åland, but also helped Åland

considerably to “maintain its autonomy vis-à-vis the national authorities” (Ghai 2011, p. 105). Furthermore, it is “shaped by strong Ålandic institutions on the one hand, and [...] organs interlinking Åland and the state on the other hand” (Stephan 2011, p. 33). The most important institutional arrangements in support of the autonomy are considered to be:

- the ‘lagting’ (i.e. the regional legislature/parliament), which is elected through proportional democratic elections, and has well defined and broad competencies to enact laws;
- the ‘landskapsregering’ (i.e. the regional government), which has administrative powers over the competencies obtained and is appointed through the rules of parliamentarianism;
- the Member of Parliament representing the constituents of Åland in the national Parliament of Finland;
- the representative of the State on Åland, ‘landshövdingen’ (i.e. the Governor), who can only be selected with support from the Åland legislature;
- the President of the Republic of Finland’s role as the protector of the autonomy.

Additionally the Ministry of Justice and the Supreme Court play roles in the supervision (Ghai 2011, p. 105; Roslin 2006, p. 30; Stephan 2011, p. 33–41).

Central to a regional autonomy is the existence of a regional legislature (Benedikter 2009b, 242; Tkacik 2008, p. 390; Roslin 2006, p. 35; etc.). Independence of the regional legislature is often a requirement of a well-functioning regional autonomy meaning that it should be very difficult for the central state to dissolve it or otherwise severely hamper its work (Tkacik 2008, p. 384). The autonomous region’s amount of control of the regional legislature greatly affects its ability to enact laws in areas that have been delegated

to them. Substantial independence of its legislature is actually one of the strengths of Åland’s autonomy because of the equal position between the Parliament of Finland and the Parliament of Åland.

The existence of a local executive government is also central to a legislative autonomy (Benedikter 2009b, p. 242; Tkacik 2008, p. 390; Roslin 2006, p. 35; etc.). It is common that a regional autonomy has both an executive body (the government executing laws which the legislative body enacts) and a local governor/local executive individual (e.g. a governor) representing the State. Often, as in Åland, the local government (‘Landskapsregeringen’) owes allegiance to the region under its authority whilst the local executive (‘Landshövdingen’) most often shows allegiance to the central government (Tkacik 2008, p. 387). A very high degree of control over its own local government is a substantial condition for any adequate regional autonomy – a fundamental principle in the Autonomy Act of Åland is that administrative power is there to accompany legislative power (Act on the Autonomy of Åland 1991/1144, section 3 & 23).

Of great importance to any legislative autonomy is the ability to influence the national legislative assembly, especially in matters which affect the autonomous region (Lapidoth 2001, p. 40; Gross 2003, p. 27–30; Benedikter 2009b, p. 243). Ideally, as in Åland, an autonomy is granted the opportunity to affect legislative processes and activities on the central level that will impact the region by means of regional representation in the national parliament, and/or the right to be consulted and give input in the process of enacting new national laws that affect the region (Lapidoth 2001, p. 40; Tkacik 2008, p. 390). The Member of Parliament from Åland is elected by the people of Åland and represents them, and not the Government of Åland. The mandate of the parliamentarian also includes issues that do not affect Åland, and he/she has the right to vote

in all issues in the Parliament (Stephan 2011, p. 37). Another issue that could be mentioned here is that the Parliament of Åland and the Government of Åland have the right to submit a legislative initiative on matters within the legislative power of the State (Act on the Autonomy of Åland 1991/1144, Section 22).

The ARMM is a legislative autonomy, thus having a Regional Legislative Assembly (power to enact laws within its competence) and a Regional Government with an elected Regional Governor (executive power). There is also a cabinet plus an Executive Council “which shall advise the Regional Governor on matters of governance of the autonomous region” (Republic Act No. 9054). The council includes the Regional Governor, a vice-governor (elected) and three appointed deputy governors – one from the Muslims, the Lumads and the Christians respectively (Ferrer 2011, p. 8). Inside ARMM the Regional Governor exercises general supervisory control over the provincial governors and city and municipal mayors (Parcasio 2011, p. 15). The Supreme Court interprets the Organic Act of the ARMM and the Regional Governor in ARMM is supervised by the President of the Philippines (Republic Act No. 9054).

The problems facing the institutions supporting the ARMM are multifold; beyond structural and systemic defects inside ARMM¹⁰, there are also especially weak supporting structures governing the relations with the Philippine state.

As noted above, in Åland the issue of national representation has been solved by reserving one seat in the Finnish Parliament. The ARMM has, on the contrary, faced significant obstacles in affecting and influencing the national parliament and government. The ARMM has no automatic representative in the national con-

gress; however every province in the country appoints representatives to the lower house, including in the ARMM. In the more powerful senate though, the members are elected from the whole country, making it a rarity that Moros get elected to such a position. Inadequate Moro representation and influence is also visible in other national bodies of government and judiciary (Tuminez 2008, p. 8–9).

Many powers and departments have never been devolved as agreed to the ARMM due to, amongst other things, flawed implementation processes and an inefficient state governance system (International Crisis Group 2011b, p. 9; Mercado et al 2009, p. 76–77). Actually, in 2006 (as agreed in the 1996 Final Peace Agreement) only 4 out of 17 national departments had been devolved to the ARMM. Moreover, some devolved departments in the ARMM remain powerless (Oquist & Evangelista 2006, p. 22–23). Several important bureaus, institutions and offices, which according to the legal framework should have been established, do not exist in the ARMM. Such bodies are a Regional Human Rights Commission, a Regional Security Force, and a Bureau of Cultural Heritage (Mercado et al 2009 p. 82–83).

Opposite to the Åland Government, there are very limited opportunities for the ARMM to be consulted and heard in the adoption of national laws and policies that are of special interest to them. Thus ARMM has significant obstacles to affect and influence the national legislature and government. The relations between the national level and the ARMM are dysfunctional. Despite the ARMM’s autonomous status, “[t]he ARMM is being treated merely as a local government unit” and enactment of national legislation and policies is often not done with input and consultation, or through accurate consideration of the ARMM Government (Toledo 2011b, p. 6).

10. See Chapter 3.2 for more a more detailed description.

d. Involvement of the international community and multilateral treaties

The significance of the role that the international community played in solving the Åland Question should not be underestimated; the League of Nations served as a platform for the negotiations, sent out fact-finding delegations to Åland, Finland and Sweden, and helped finalise the agreements (Spiliopoulou Åkermark 2011a, p. 22). The multilateral treaties in Geneva, which re-affirmed the demilitarisation in time of peace, introduced neutralisation in time of war and obliged Finland to give special rights to the population of Åland Islands, are today understood as part of customary law. It appears that it is one of the core missions of politics in Åland to constantly keep the authorities in both Finland and the rest of the Nordic countries reminded of the multilateral treaties, and also the international entrenchment of its self-government, minority rights regime and demilitarisation/neutralisation. This is popularly known as to “play the international card” (Granlund 2010; Spiliopoulou Åkermark 2011a, p. 10; Öst 2012, p. 7).

What is the case with international guarantees regarding the ARMM? The international 1976 Tripoli Agreement – which provided for the creation of the ARMM – forms a core document, which several international agreements have later tried to fully implement. Thus, the ARMM has some international guarantees. Wolff categorizes ARMM to have ‘soft’ international guarantees (i.e. non-binding standards and norms, declarations of intent etc.) while autonomies such as South Tyrol and Åland have ‘hard’ international guarantees (i.e. international treaties) (2010, p. 6–7).

One significant difference between Åland and ARMM concerns the level of these international guarantees and to what degree they have been implemented: whilst the Tripoli Agreement never was fully implemented, the Åland auton-

omy was established through an international treaty resulting from a decisive intervention by a highly esteemed international actor, and the agreements in the League of Nations were fully implemented by the parties. Moreover, it included a supervisory function by the Council of the League of Nations on the guarantees laid out in the Åland Agreement. A similar international supervisory function has not been the case in the peace agreements from the conflict in Muslim Mindanao until this date. Even though there have been calls for an international treaty under the auspices of an intergovernmental organization, the recent Comprehensive Agreement on Bangsamoro in 2014 was not an international treaty. Thus, the future Bangsamoro autonomy has no real international guarantees.

The ability of the Moro fronts at an early stage to attract high-profile international actors (mostly from the Muslim world) to get involved in the solution of the armed conflict is one of their most valuable achievements. The peace processes have seen involvement of international actors in facilitation, negotiations, implementation and supervision of peace agreements. The famous Tripoli Agreement of 1976 was signed in Tripoli, Libya and mediated by the Organization of the Islamic Conference. The organisation continued its monitoring role until the signing of the Final Peace Agreement in 1996 which was facilitated by Indonesia (Jakarta). Also Saudi Arabia was a facilitator during the pre-1996 MNLF-GPH peace process (the Jeddah Accord) (Santos, Jr. 2013).

The MILF peace process also involved Libya as a facilitator when an agreement between the MILF and GPH was made in 2001 in Tripoli. Since then Malaysia has been acting as a facilitator and the Organisation of Islamic Cooperation (formerly Organization of the Islamic Conference) has acted as an active observer. Crucial for the latest peace negotiations have been the inno-

vative International Contact Group on Mindanao, which was created in 2009 and includes both state and NGO members¹¹. The group has been supporting the peace process and has been deeply involved in trying to solve the conflict. Another very important international actor today is the International Monitoring Team (its mission started in 2004), with participation of Malaysia, Libya, Brunei, Japan, Norway and the EU (Yousuf ed. 2013; Santos, Jr. 2013; International Crisis Group 2009).

Besides what has been mentioned in the above paragraphs, during the last few years Muslim Mindanao has received international attention by foreign actors, mainly because of two major events, one national and one international. The first is the 9/11 terrorist attack, which has led to increasing US interest and involvement in conflict affected areas, and US non-combat support of AFP anti-terrorist operations against the Abu Sayaff in the Sulu archipelago (Juminez 2008, p. 29; McIndoe 2010). The second event was the outbreak of renewed low-level rebellion by MILF renegade commanders in 2008 due to the failed MOA-AD, and the large-scale displacement of civilians. The GPH received quite a bit of negative international publicity (e.g. from the European Council), but the attention also sparked some good effects as experts who had been involved in negotiating the Good Friday Agreement, which ended the Northern Ireland conflict, offered help and advice to find a solution (International Crisis Group 2009, p. 2–3).

Furthermore, Mindanao's poverty has caused the international donor community to put focus on the region. Substantial development aid has come from the U.S. Agency for International Development (a project worth 190 million dol-

lars 2008–2012), the Mindanao Trust Fund for Reconstruction and Development, the European Union, and some other aid projects from Japan, New Zealand, Sweden, Canada and Australia (International Crisis Group 2009, p. 8).

While there are international efforts to resolve the conflict, it has also attracted, albeit to a limited degree, mercenaries and Muslim fighters from Indonesia, often with experience from other conflict zones such as Afghanistan (Mastura 2011, p. 49).

e. Compatibility with the integrity and sovereignty of the state

Sovereignty and the territorial integrity of the state tend to play a central role within secessionist conflicts. In 1921, Finland was a newborn state and both sovereignty and territorial integrity was key factors for the state formation process. Finland realized early on that if it was to remain sovereign over the Åland Islands, a special arrangement for the internal self-governance of the islands needed to be found. The Åland autonomy never became a threat to Finland's integrity and sovereignty as it did not evoke any similar claims from other regions, or fragmentation of the country. Finland was already constituted as a bilingual state (i.e. Finnish and Swedish) and Åland was quite easily accommodated into the overall structures. Finland's sovereignty over the islands was seen as definite when the Åland Decision was made in 1921 (Ghai 2011, p. 104).

The concept of state sovereignty is increasingly losing ground to regional, local, and global power structures. Granting autonomy to a region may be understood to fragment the state and as a loss of sovereignty, as it in many instances substantially decreases the power of the state in the region at hand. Autonomies often also have built-in "formal or symbolic paraphernalia of self-determination" (Lapidoth 2001, p. 40), which on Åland includes for example own flag, passport, car registration numbers, country

11. Japan, UK, Turkey, Saudi Arabia, Muhammadiyah, Asia Foundation, Centre for humanitarian Dialogue. and Conciliation Resources.

code, anthem, coat of arms, an internet domain (-ax), stamps and holidays. By “attaching indicia of sovereignty” – which also includes terms such as ‘the Government of Åland’ and ‘ministers’ and ‘the Parliament of Åland’ – to the autonomy, it strengthens the autonomy and its identity while “deconstructs the idea of absolute and total state sovereignty” (Spiliopoulou Åkermark 2011a, p. 18–20). Åland’s indicia of sovereignty, and its autonomy, have not yet really threatened Finland’s sovereignty over the islands. An indication that it is not disputed is that since its enactment Finland has never tried to undermine the autonomy.

Thus, in the Åland case the issue of sovereignty/integrity of Finland was settled in 1921 as Finland was given sovereignty over the islands and Åland got the Act on Autonomy. In Muslim Mindanao it has been more difficult. Two opposite narratives are at the heart of the Moro issue: for Moro secessionists it has been the struggle to take back the lost sovereignty and independence of the Moro sultanates, and for the Philippine Government the quest has been to defend its sovereignty and its territorial integrity against secessionism (Human Development Network 2005, p. 65).

Even though it is neither an extremely sensitive issue, nor constituting a red line throughout the peace processes, the possible threat to the sovereignty and integrity of the Philippine State seems to be a frequent characteristic of the Philippine elites’ and GPH’s concerns when prompted with implementing or negotiating new peace deals with the Moro fronts. For instance, the MOA-AD (which would make possible a new Bangsamoro autonomy, the BJE) was left in pieces in 2008 after a Supreme Court ruling turned it down because of concerns about the sovereignty of the Philippines. The ruling was with reference to the Constitution, but can also be linked to the protection of economic/political interests from Christians and oth-

er Non-Muslims in Mindanao (Mercado, E. R. 2011b; International Crisis Group 2011a, p. 1–2). The concerns of sovereignty from the Court probably came from the MOA-AD’s reference to the BJE-GPH relations as to be an “associative relationship”, which is a stronger wording than self-determination or autonomy (International Crisis Group 2009, p. 8).

While autonomy for Muslim Mindanao is generally accepted, ‘sub-state’ or ‘associative relationship’ is much more problematic. While Manila is afraid to give away power, the MILF’s standpoint is that, because of historical injustice, a new Bangsamoro autonomy needs a stronger self-determination regime than the current ARMM (International Crisis Group 2011a, p. 3).

The Åland autonomy display a wide range of indicia of sovereignty. To attach symbols of nationhood to an autonomy strengthens the identity, and may ease the aspirations of secessionism and independence in the concerned minority. It is provided in the Organic Act of the ARMM that the Legislative Assembly is “empowered to pass a law adopting an official regional emblem, seal, and hymn. The regional emblem and seal shall be displayed along with the national emblem and seal. The regional hymn shall be sung in after the national anthem in official proceedings at the discretion of the government officials in the autonomous region” (Republic Act No. 9054). These provisions are however not that strong, and it appears that ARMM has not significantly developed symbolic content which represents the people and the region to the outside world.

f. Prevention of bipolarity in the conflict

Bipolarity in a conflict can be devastating for a lasting solution – as is clearly the case in, for example, Sri Lanka and in the Israel-Palestine conflict. In Finland bipolarity between Ålanders and the Finnish people were mitigated by the presence of the Swedish-speaking minority in

Finland. Their substantial access to political and economic power, as well as their nation-building approach did not provoke any substantial bipolarity (here meaning between two distinctive communities) between Ålanders and the Finnish-speaking population in mainland Finland as there were obvious cultural and ethnic ties between the loyal-to-the-state Finnish-Swedes in mainland Finland and the Ålanders.

The Swedish-Finnish minority in mainland Finland has always been supportive of autonomy for Åland – and never reunification with Sweden – as it benefits the overall Swedish minority in Finland. While the Swedish People's Party of Finland (Svenska folkpartiet, the main party for Finnish-Swedish voters in mainland Finland) was against the Ålanders' demands at the time of the settlement of the Åland Question, the Åland representative in the Finnish Parliament collaborates with the party and has always been part of the Swedish Parliamentary Group in the Finnish Parliament (Stenius 2003, p. 157–158).

Conflict seen in bipolar terms, Yash Ghai argues, has been an obstacle to autonomy (and other peaceful solutions) in several conflict-ridden countries, e.g. in Sri Lanka (2011, p. 91–92, 104). Thus, multipolarity (meaning the existence of several communities or other groups involved) in the conflict and the peace process is seen as strengthening the prospects of successful autonomy negotiations.

According to Peace and Conflict 2005 (Gurr & Marshall 2005, p. 82), the Moro conflict is an identity-based/ethnic conflict. It is not as extremely bipolar as, for example, the conflicts in Sri Lanka or Israel, but a rift between the Muslims and the majority Christians is a feature of the Moro issue. The multicultural characteristics of the ARMM do not seem to change this pattern. The Muslims in the Philippines do not have an elevated social position in the Philippine political life or business world, such as the Finnish-Swedish had in mainland Finland when the

Åland Question was solved in the League of Nations. Today and historically the Muslims are also commonly perceived as a “low-class” people and many have been forced to change their name to a Christian one to in order to find employment in bigger Christian cities (Tuminez 2008, p. 10–11).

The Moro minority has for centuries been discriminated; ignorance of history, culture and religion of the Moros (which can be seen in Philippine history textbooks) as well as the plight, displacement, and marginalization of the Moros are widespread. Muslims often become stereotyped and subjected to hate speeches, especially from Christian politicians within Mindanao (Tuminez 2008, p. 10–11).

This bipolarity is largely due to the one sided media coverage, which has “perpetuated the negative stereotypes, biases and limited view of Muslim Filipinos and the issues involved in Muslim Mindanao” (Asian Institute of Journalism and Communication, Power in Media).

g. Entrenchment of autonomy and rule of law

Solid entrenchment of the autonomy is often seen as a core factor for the functionality of autonomy and means both how easy/difficult it is by the central state to change the legal arrangement of the autonomy and whether/how much the autonomy is entrenched in national legislation or the national constitution (Ghai 2011, p. 104. Tkacik 2008, p. 390–391). Entrenchment can also be achieved through international treaties (as in the case of the Åland Example) and through history, practice and customs. From the point of view of legislative autonomy the entrenchment must provide “a protection umbrella against unilateral amendment pushed through by the central state” of the legal texts that define the autonomy (Benedikter 2009b, p. 244). The weakening of autonomy (Bougainville) in Papua New Guinea happened because of lack of entrenchment (Ghai 2000, p. 22).

In this regard the rule of law is very important (Ghai 2000, p. 16), which is clearly understood when looking at the Åland autonomy; according to Yash Ghai: “respect for constitutional norms, including those of autonomy, has protected Åland from interventions by the centre and has facilitated co-operative relations with Helsinki” (2011, p. 105). Legislative autonomy is always based on legal, and sometimes constitutional, laws, and “the enforcement of these provisions [...] is essential of the maintenance of autonomy” (Ghai 2000, p. 20).

The legislative autonomy of Åland is not entrenched in the Constitution of Finland, but is grounded in the decision of the League of Nations from 1921. The Finnish constitution stipulates that Åland has autonomy in accordance with the Act on the Autonomy of Åland. It is not a case of devolution or decentralization as in many other autonomy arrangements, but a question of the division of powers; like a “bilateral agreement” (Naucmér 2012c). There are two parliaments in Finland. The two jurisdictions are in different spheres but are on equal terms legally speaking. The entrenchment of the autonomy of Åland is thus substantial even though it is not entrenched in the Finnish constitution as such. The Act on Autonomy holds a *sui generis* nature in the Finnish legal system.

The Moro right for self-determination is apparent both in the historical account of the Moros and in international law (Bernabe 2008, p. 69–71). The autonomy in Muslim Mindanao is entrenched in – and also subject to – the Constitution of the Philippines in Article X, which provides that an autonomous region in Muslim Mindanao shall be created, together with the basic powers and principles of the autonomy. The current autonomy in Muslim Mindanao, the ARMM, was created by Republic Act 6734 in 1989, and later amended by Republic Act 9054 in 2001, which now constitute the present Organic Act of the ARMM.

Previous to 1989 the Moros had experienced a first phase of autonomy. In 1979 President Marcos implemented the creation of a legislative assembly and a regional executive in two separate autonomies in Mindanao – the Autonomous Region IX and Autonomous Region XII. However, this heavily derailed from what was agreed in Tripoli in 1976, and provided only a very basic structure for governance in both autonomous regions (Mercado 2011a, p. 120).

While there is now a solid legal entrenchment of the ARMM, it has no free-standing Autonomy Act as is the case with the Åland Islands. As mentioned above, legally, the Autonomy Act of the Åland Islands is legally considered to be of a *sui generis* nature and subject to the same rules of amendment as the Constitution of Finland. A similar legal solution has been proposed by Ramon Ma. G. Bernabe in her draft of the “Basic Charter for the Bangsamoro nation”, with the goal to strengthen the autonomy in Muslim Mindanao (2008, p. 72). Furthermore, the MOA-AD proposed that a new Bangsamoro autonomous entity would draft its own charter (International Crisis Group 2008, p. 3). The new draft of a Bangsamoro Basic Law, currently processed in the Philippine parliament, seems to be similar in status to the current Organic Act of the ARMM.

A prerequisite for creating an adequate framework for implementing autonomy appears to be an overall legal tradition adhering to the basic principle of the rule of law. The legal traditions of the Philippines could be understood to follow three major strands: “(a) Roman (Civil Law) and Anglo-American (Common Law); (b) Islamic Sharia; and (c) the customary and traditional adat laws of the Indigenous Peoples and the Moros” (The World Bank 2005, p. 29).

Respect of rule of law in Finland has been paramount to the development of the Åland autonomy. While the traditions relating to rule of law clearly exist in the Philippines, the legal and justice system face substantial problems (Carlos et

al 2010, p. 2). Especially within ARMM, institutions of rule of law (such as the judiciary) are poorly developed, even though some gains have been achieved (Schivo-Campo & Judd 2005, p. 6). There is evidence of human rights violations against Muslims and Lumads committed by the military and law enforcers (The World Bank 2005, p. 29). Furthermore, the Philippine legal system is biased against Muslims and Lumads, who are frequently kept out from decision-making in the national arena (The World Bank 2005, p. 29).

The deficits of the rule of law in the Philippines and the ARMM have contributed negatively to incomplete implementation processes and insecurity in Muslim Mindanao, including implementation of peace agreements and national laws. For instance, had the 1996 Agreement been implemented, it could have provided lasting peace in Mindanao (Mercado 2011a, p. 137).

b. Dispute resolution mechanisms

The Åland Delegation, the President of Finland and the Supreme Court constitute a three-step conflict-resolution mechanism. Firstly, the Åland Delegation, consisting of members from both Finland and Åland, is a dispute resolution institution that has a mediating role concerning possible disputes between Åland and Finland. It reviews laws passed by the Parliament of Åland as to whether it has exceeded its competences and gives legal opinions upon request regarding unclear legal questions in relation to the Autonomy Act (Ghai 2011, p. 105; Statens ämbetsverk på Åland; Stephan (2011) pp. 43). Secondly, the President of Finland checks that laws enacted by the Åland Parliament remain within the margins of Åland's competences and whether or not they are a threat to national security. New acts from the Åland legislature are to be adopted by the President after receiving an opinion from the Åland Delegation. Thirdly, if the Åland Delegation thinks that the Åland legislature has ex-

ceeded its competences, the matter will also be dealt with by the Supreme Court. The court will give an opinion to the President, who then will decide, based on the court's opinion and that of the Åland Delegation's, whether or not to annul the law in full or in part. This very legalistic three-step mechanism is therefore seen as a security system to the Åland Islands self-government (Ghai 2011, p. 105).

In the beginning, after 1921, the Council of the League of Nations' supervisory function over the application of the guarantees laid out in the Åland Agreement as well as the League of Nations' Permanent Court of International Justice were important, as it added an international supervisory mechanism to the minority protection regime in Åland. This provision was however abolished when the old autonomy act from 1922 was amended in 1951, as it became ineffective in light of the demise of the League of Nations (Stephan 2011, p. 31).

The presence of a dispute mechanism system between the regional government and the central state that can effectively mediate between the central government and the autonomous region is important. Commonly, national courts and/or the Supreme Court play such a role and have often intervened where the state has breached their authority in relation to an autonomous region (Lapidoth 2001, p. 40). A weak national court system can thus be negative for an autonomous region. However, other dispute mechanisms that add to the judicial track are often desirable as minor disputes between the autonomy and the central government may be solved in other ways – for example through an organ of mutual cooperation (e.g. the Åland Delegation), a political settlement between the parties, or a process of bargaining or negotiations. Frameworks for dealing with these kinds of disputes are thus also desirable, though the ultimate authority to solve a dispute should be given to the courts as processes of political negotia-

tions and bargaining may be insufficient to solve a conflict and leave the minority in a more vulnerable position, thus not negotiating on equal terms (Ghai 2000, p. 20–21).

Contrary to those articulated, well-equipped conflict resolution mechanisms developed to furnish the relationship between Åland and Finland with structures for cooperation, no significant institutionalized ARMM-Philippines state dispute resolution mechanisms seem to have existed or exist today. In the ARMM, the Supreme Court is the main and final institutional body to interpret the Organic Act of the ARMM, and general supervision of the Regional Governor in ARMM is exercised by the President of the Philippines (Republic Act No. 9054).

That said, after the Final Peace Agreement in 1996, two bodies were created whose mandates had a semblance to conflict-solving functions. The Consultative Assembly, with 81 members, was meant to be a consultative and advisory body where different issues could be processed and the chairman could report directly to the President of the Philippines with recommendations. The second body, the Southern Philippines Council for Peace and Development, was assigned, among other things, to support development, peace and order, local government units, and assist in regional elections (Mercado 2011a, p. 127–128). The two bodies were, however, much more focused on economic development and peace than conflict solving between GPH and ARMM, and were also only temporary constructions as stipulated in the 1996 Agreement. As it turned out, both the Southern Philippines Council for Peace and Development and the Consultative Assembly became utterly flawed (Mercado 2011a, p. 132–133; Mercado et al 2009, p. 36).

As conflicts between Muslim Mindanao and Manila are apparently frequent – with distinct situations of uncertainties of the division of power between the ARMM and the Philippine

state and situations of different interpretations of the Organic Act of the ARMM and laws enacted in the regional assembly (Bacani 2005a, p. 3) – a high-end judicial dispute resolution mechanism with representatives from both sides should be established.

This could be provided by the International Monitoring Team. Here, inspiration could be taken from the organizational structure and functions of the Åland Delegation as well as its composition of delegates from both Finland and Åland and the design of its mandate.

i. Traditions of democracy and pluralism

Many scholars have emphasized the need for democratic state structure if an autonomy is to have a good chance to be genuine and successful (e.g. Ghai 2000, p. 16; Gross 2003, p. 27–30; Spiliopoulou Åkermark 2011a, p. 20–22; Ackrén 2009, p. 51–56). That said, it was far from clear that Finland would become a democracy in 1917–1918 when pro-democratic and pro-authoritarian sentiments engulfed the newly born state, and, as Schulte shows, democracy is not always a definite pre-condition for a functional autonomy (Schulte 2015, p. 76–77). Yash Ghai (2000, p. 16) further argues that in contemporary societies a tradition of democracy and rule of law has the effect that “pluralism is valued and there is respect for cultural and religious differences”. However, democracy inside the legislative autonomy is also of importance (Hannikainen 1998, p. 90; Benedikter 2009b, p. 242; Lapidoth 2001, p. 41). According to Hannikainen (1998, p. 90) “the autonomous system must not become the dictatorship of the regional majority group over other groups which are in a minority position in the region”. Autonomy arrangements most often depend on negotiations when altering the state-autonomy-relationship or when implementing the law, and therefore democracy and the ability to compromise is an evident advantage (Ghai 2000, p. 16).

Democracy, together with the rule of law, has been fundamental in both Åland and in Finland since the country's independence in 1917 (Eriksson 2007). During the 108 years of belonging to the Russian empire, the Grand Duchy of Finland had a substantial self-government (Hakala 2012). The leadership in Finland was thus not unfamiliar with the notion of autonomy. The will to compromise and generosity from Finland in regard to the self-government regime of Åland have led the Ålanders to discard their strive to re-unite with Sweden long ago and indeed to appreciate Finland, who has ensured that the legislative autonomy and the other connecting regimes have served their purposes (Ghai 2011, p. 106).

Since ARMM's creation and up until today, at least seven elections of the Regional Governor, Regional Vice-Governor and members to the Regional Assembly have been conducted in the region. Even though the regular elections in the ARMM are a healthy sign of democracy – and the high percentage of voters' participation has to be recognized – the elections have always been problematic in several ways. Those include for instance interference in the ARMM elections by the central government, ghost voters, delay of scheduled elections, buying of votes, past-election violence, and other problems concerning practical matters during elections (Lingga 2005, p. 2–3, 5; Toledo 2011b, p. 4; Toledo 2011a, p. 5).

In the ARMM elections those candidates for the regional governorship that get backing from the party currently in charge of the Philippine Government are almost certain to win, and this has happened in every ARMM election up until today, including in the latest elections in 2013 (International Crisis Group 2012, p. 17; Lingga 2005, p. 4). History has shown that the GPH has a huge influence in who becomes ARMM governor.

While there are five Muslim parties in the Philippines, with voters both inside and outside

the ARMM, there are no regional political parties focusing solely on the ARMM constituency. By contrast Åland has an election system as well as a political landscape (with different political parties) that differs from Finland. The system is adapted to particular circumstances on Åland. Within the ARMM, no regional party has ever won the elections since 2005, nor the regional governor seat, and not even a majority in the regional parliament (Lingga 2005, p. 4). The outcome of elections is largely the result of power play and patronage politics between the Philippine Government and political actors within the ARMM (Toledo 2011b, p. 2; Husin 2011, p. 26–31).

In addition, even though it is against the Republic Act 9054, the GPH has several (at least eight) times postponed elections within ARMM causing integrity set-backs; “[t]he continued congressional interventions setting and re-setting elections in the ARMM have made a mockery of autonomy and self-determination” (IAG 2011, p. 3, 7–9). An illuminating example of the powerless ARMM in relation to Manila was when the national government unilaterally postponed the planned ARMM elections in 2011 to 2013 (Toledo 2011a, p. 4).

Democratic deficits in the Philippines are related to several issue areas such as low accountability and responsibility levels, weak rule of law and justice system, corruption, military interference in politics, weak education system, unequal health system, the Communist and Moro insurgencies and weak food security. Corruption is an especially massive issue in the Philippines as the country is one of the most corrupt among the countries in the region (Carlos et al 2010, p. 177).

The Åland autonomy was at least to some degree possible and workable because of the burgeoning evolution of modern day democracy in Finland (where women were given full political rights in 1917) and because of the experience Finland had of autonomy when it was a Grand

Duchy of the Russian Empire. Democracy has certainly been crucial to the development of the Åland self-government regime after the Second World War.

j. Ethnic and cultural homogeneity and unity

While it has already been noted that multipolarity during a secessionist conflict is viewed as a factor that may enhance the likelihood of finding a durable autonomy solution, cultural and linguistic homogeneity and unity in the region at hand can be at least an equally important factor (especially if the conflict at the same time displays a low amount of bipolarity) (Ghai 2011, p. 107; Eriksson 2007). The existence of minorities within the autonomous region may be “a deterrent to the grant or the operation of autonomy”, as is the case in Sri Lanka and Mindanao (Ghai 2011, p. 107).

Having in mind the Åland Movement, and Åland’s general state of avoiding deep factionalism, the significance of unity within an autonomous territory has been especially visible in the Åland Islands. The unity in Åland has made it easier to get results in negotiation processes with Finland over the years, including when the cultural and linguistic safeguards were negotiated in 1921; it has eased the creation of institutions and the legislation supporting the autonomy. It has been relatively unproblematic to spell out the values of self-government and to form substantial minority protection mechanisms such as the right of domicile (Ghai 2011, p. 107); and it has particularly decreased the possibilities of major internal conflicts within Åland. Autonomy becomes much more complex when there exist several minority communities within the autonomous region, especially if rifts and conflicts are distributed between them, such as in ARMM. In Åland the ethnic and cultural homogeneity certainly helped the local politicians to keep Åland fairly united against Finland. This is not the case in Muslim Mindanao.

The ARMM is a highly multicultural and multilingual region. The Moros total approximately 2.5 million, 90 % of the population in the ARMM, while the rest are Christians and Lumads. The Moros can be categorized into 16 different ethno-linguistic groups, while they share one faith and a common, but vaguely defined, identity (Herbolzheimer 2014; International Crisis Group 2011b, p. 1; Ferrer 2011, p. 4).

In Mindanao there are visible cracks between communities, clans, between MNLF and MILF, and between Christians and Muslims and the Lumads. Existing divergence in political and economic interests between these groups have clearly been obstacles to a well-functioning ARMM as well as to the several peace negotiation processes after the Tripoli Agreement.

Friction among the Moros, especially between the MILF and MNLF (the divisions run through political, ideological and ethnical lines), has been a core dilemma for the ARMM and the national government. Both the MNLF and the MILF have problems with factions and rogue leaders (International Crisis Group 2011a, p. 7–8; International Crisis Group 2012, p. 1; Human Development Network 2005, p. 70). MNLF-MILF unity is difficult and will take time (Oquist & Evangelista 2006, p. 21), but there are, and have been, serious attempts to unite the MILF and MNLF as well as to reconcile factions within each. One good initiative for creating unity that could be built upon is the Bangsamoro Solidarity Conference created after the “Agreement on General Framework for Unity Between the Moro National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF)”, signed in Malaysia in 2001 (Philippine Human Development Network 2005, p. 80; Oquist & Evangelista 2006, p. 21).

The Lumad indigenous peoples are a special case. They and the Moros have a common history as they both were neglected and marginalized when Manila started to build the Philip-

pine nation-state and incorporated Mindanao. The Lumads have lived side by side with Muslims (including intermarriage and Lumads fighting for both the MNLF and the MILF rebel groups), but tensions are visible, particularly in relation to the elite Muslim rulers' enslavement of Lumads in the past (International Crisis Group 2011b, p. 1–2). Another problem here is that also the Lumads have found it hard to unify; there is not much binding the non-Muslim indigenous groups together (International Crisis Group 2011b, i). In summary: there is a tough challenge to get Bangsamoro unity, and an even tougher challenge to get unity in Mindanao.

A future Bangsamoro autonomy needs to include arrangements where Christians and Lumads are given a fair amount of political power. Those that were not in support of the MOA-AD have to be included in the current peace process. After the successful end of the latest peace negotiations and the signing of the CAB, it is important to achieve equal access to power in the new Bangsamoro autonomy (International Crisis Group 2012).

k. No conflict over natural resources

It has been argued that the presence of special natural resources can be an obstacle to genuine autonomy or to accommodate a region with autonomy (Ackrén 2009, p. 48; Ghai 2011, p. 107). Oppressive central government policies regarding natural resources in a region, or conflicts over the control of them can enhance autonomy/secession demands – which, for example, was a major source of conflict in Aceh (Indonesia) (Hannum 1996, p. 465; Miller 2008). Thus, an abundance of natural resources in the autonomous region may be problematic as the central state might be extremely reluctant to give away any control of it. In 1921, Åland was not perceived to hold special natural resources of such value to Finland as to threaten the solution (Ghai 2011, p. 107). However, the link between the

Åland status and access to land resources is still very much at the core of the Åland minority protection regime through the right of domicile.

The islands that form Mindanao have an abundance of natural wealth and enormous potential to develop. It has a large amount of various minerals, including gold, silver, copper, coal, chromite and the globe's largest nickel reserves. It is also the main producer of agricultural products in the Philippines, and is the producer of the totality of rubber in the country. Moreover, Mindanao is home to a flourishing fishing industry (it holds the majority of the commercial fish catch in the country), a sizeable forest covering 41% of the land and 56% of the commercial forests in the whole country, and, bearing in mind its dramatic natural landscapes, has a huge potential to develop its tourist industry (Mangahas 2010, p. 1–2). The rich amount of natural resources in Muslim Mindanao is in stark contrast to the situation in Åland, since the latter does not have minerals or fossil fuels.

Since the 1976 Tripoli Agreement control over the natural resources has been a core question to Bangsamoro self-determination, and both the MILF and the MNLF have claimed it should be under the authority of a genuine autonomy. Currently the ARMM has poor control over the utilization of natural resources, such as forests and fishing waters, and no control at all of special strategic natural resources, such as uranium, petroleum, other mineral oils and fossil fuels (Republic Act No. 9054, Article XII Section 5). The MILF, in its negotiations with the GPH, has demanded clear ownership of land and natural resources. Under the MOA-AD it had been agreed that the Bangsamoro Juridical Entity would receive 75% of income from the natural resources in the territory (International Crisis Group 2011b, p. 9).

The result of the Comprehensive Agreement on the Bangsamoro is that the new Bangsamoro autonomy (if passed by the Philippine parlia-

ment) will have authority over natural resources in the region and have 75% share of the tax income generated from utilization of metallic minerals and 50% share from utilization of fossil fuels (The draft Bangsamoro Basic Law).

1. Size, insularity and distinctiveness

Insularity, distinctiveness of the territory and geographical distance have all been put forward as vital characteristics of territorial/legislative autonomy by several scholars (e.g. Tkacik 2008, p. 384; Ackrén 2009, p. 160; Safran 2000, p. 22). Autonomy regimes are often located at geographically remote or unique places. The more distinct and insular the better, thus borders without distinctiveness or clear historical and/or geographical definition may be problematic (Benedikter 2009b, p. 242). Here islands situated far away from its mother state present the most extreme case (e.g. the Azores), while remote regions with distinct and well defined geographical features can be very insular and distinct as well, for example Tibet or Nunavut in Canada.

The characteristics of geography and population of the Åland Islands helped to secure the grant of autonomy, and the culture and language protection mechanisms, as there was almost no fear from Finland that the small and low populated islands would succeed to secede, reunite with Sweden or become independent after the League of Nations' decision. In practice, it would have been almost impossible, yet notably this would not be have been the case if Åland was a more populous and larger region (Ghai 2011, p. 107). The distance to Helsinki, together with the insularity, compactness and the distinct geographical characteristics of Åland made it a non-controversy to define the autonomous region's boundaries. The geographically well-defined borders between Åland and Finland have been an especially favorable precondition (Eriksson 2007).

When studying the map of Mindanao one can notice both the large size of the ARMM and

that its territories include both the Sulu archipelago and provinces in mainland-Mindanao. The ARMM is clearly situated in the periphery of the Philippines with a considerable distance to the capital Manila. The region has a dramatic landscape with dense forests, and canyons giving it the perfect geographical prerequisites for guerrilla warfare.

Comparing the map of the current ARMM and the Åland Islands, the two regions' difference in insularity, size and distinctiveness becomes obvious (see Annex A and Annex B). Ever since the creation of the first autonomous entities during the Marcos regime it has been problematic to define the borders between the autonomous entity and the State of the Philippines. This difficulty has mainly to do with the decrease in distinctiveness of Muslim Mindanao during the 20th century. This is due to a heavily decreased living area and marginalization of today's Muslims in Mindanao in comparison to their historic distribution, which can at least partly be explained by unfair land transactions through force and unequal access to market information (The World Bank 2005, p. 3). In such regions the Muslims have been put in a minority position as an effect of land-grabbing, "colonization" of Christian settlers from Luzon and the Visayas, and GPH integration schemes. In the beginning of the 20th century the Muslims constituted 90% or more of the total Mindanao population whereas in 1970 that share had dropped to about 20% (Mercado 2011a, p. 116).

In the publication *Democratic deficits in the Philippines: what is to be done?* (Carlos et al 2010, p. 169), the authors, by referencing to Samuel K. Tan's book *Internationalization of the Bangsamoro Struggle*, argue that the GPH from Philippine independence until 1968 pursued an integrationist approach towards the Moros in Mindanao – trying to integrate Moro land, customs and culture into the Philippine nation-state. What is clear is that there has been

a heavy decrease in both numbers and share of the Muslim population in Mindanao during the 20th century (Tuminez 2008, p. 6; Human Development Network 2005, p. 29). Accordingly, one of the core missions of the MILF is to extend the current Mindanao autonomy, but it has proven to be significantly difficult. For example, when the MOA-AD was put down, one of the issues was the non-Muslim locals' fear and opposition to plans regarding future extension of the BJE borders into majority Christian areas (International Crisis Group 2009, p. 8).

*m. Presence of major
regime-change/reshuffle of space*

In general, as argued by Yash Ghai, if the state experiences a regime-change (e.g. independence from a larger country or transition from authoritarian rule to democracy) it will open up new possibilities for a region that is searching for autonomy. The old static power structure is gone and new people with new ideas (e.g. decentralisation as opposed to a centralistic system) of reforms take control in the country (Ghai 2000, p. 14–15).

When Åland received its special status in 1921, the whole of Europe was in a wider reshuffle of space in the aftermath of WW1. Finland had just recently declared independence from Russia – a Russia that was in a state of revolution during 1917. The major changes in Finland (and in adjacent countries), both regime change and wider re-shuffle of space, increased the prospect of a successful introduction of autonomy on Åland (Spiliopoulou Åkermark 2011a, p. 18).

As shown in relation to the Åland self-government regime, a wider regime-change or reshuffle of space can significantly help the creation of an autonomy regime. The ARMM was created in the end of the 1980s after the ousting, through a people's revolt, of the Marcos regime and the adoption of a new Constitution of the Philip-

pines (still in force). This regime-change clearly made way for the ARMM. No similar transition preceded the 1996 Agreement, the MOA-AD in 2008 or the CAB in 2014. Because of the recurrent insurgencies and given that a greater transformation of the relationship between Muslim Mindanao and the central state is the aim of MILF and the Moro opposition, there might be a need for a greater transformation of the system of government in the Philippines.

The failure of the MOA-AD shows that if one wants to implement a stronger autonomy in Mindanao there might be a need to change the Constitution and legal framework for that autonomy (Bacani 2005a, p. 5; Bacani 2005b, p. 4; Santos, Jr. 2005; Juminez 2008, p. 24).

There is a general view that the Philippines need a charter change (Santos, Jr. 2011a). A demanding question is whether to change from a unitary political system with a strong President to a federacy. Ramon Ma. G. Bernabe argues that if the Philippines should change from a unitary system to a federal system then there is a better chance of succeeding with a final comprehensive peace agreement between the GPH and MILF, and with a new Bangsamoro autonomy as a special region in that federal system (Bernabe 2008, p. 66–67). Ideally, in the future, the Philippines would become an asymmetrical federation (e.g. Canada). Additionally, a new constitution could provide for the enactment of a freestanding Bangsamoro charter, similar to the Autonomy Act of the Åland Islands.

A window of opportunity for enhancing the ARMM or creating a new empowered Bangsamoro autonomy would open if the Philippines transformed to a federal state. Indeed, one of the arguments for such a federal arrangement to become reality is that it would enhance the possibilities for a successful resolution of the Moro-conflict (Bacani 2005a, p. 6; Bacani 2005b, p. 2, 6).

6. Conclusion – features of the Åland self-government regime that may be of interest for a new Bangsamoro autonomy

The current situation in Muslim Mindanao is tricky. The parties have successfully negotiated forth and signed the Comprehensive Agreement on the Bangsamoro in 2014, and a Basic Law on Bangsamoro is on its way through the Philippine Parliament at the time of writing this report. Arguably, the CAB is a major success and a big step towards lasting peace (Conciliation Resources 2014; Herbolzheimer 2014). The conflict is, however, still not over until CAB has been implemented and no new hostilities have taken place, as was the case after the collapse of the MOA-AD.

The cost of the conflict has been dire; indirect economic costs, e.g. a low level of investments and capital flight. Human and social costs have been heavy “to the fabric of society” and “to the stock of social capital” (Schivo-Campo & Judd 2005, p. 6–9). Hence, as the conflict has been especially negative to the poor, the peace dividend for the ARMM is high (Schivo-Campo & Judd 2005, p. 7–8).

The present case study has attempted to identify the major deficits of the current ARMM by using the identified factors of functionality of the self-government regime of the Åland Islands, and to identify the features of particular interest for a new Bangsamoro autonomy.

To start with, the lack of security in the ARMM has been well accounted for. Major responses by the international community, the GPH and the Moro fronts during the last decades have been the creation of the International Monitoring Team, the Coordinating Committees for Cessation of Hostilities and the Ad Hoc Joint Action Group; anti-terrorist operations with support from the US; a reintegration

scheme of MNLF rebel fighters; and attempts to establish an ARMM police force.

On Åland the internal and external security is largely set up by the internationally entrenched demilitarisation/neutralisation regime and the local police force, which has been placed under the control of the Åland Government. As discussed in Chapter 5, the organization of security forces in Muslim Mindanao could be organized in a similar fashion as those in Åland; with a Bangsamoro regional police force under the authority of the regional government and national security bodies in charge of organized crime, customs and border security under the authority of the central government.

While neutralisation seems inapplicable due to the relative military strategic unimportance of Muslim Mindanao to foreign powers there might be crucial security accomplishments if Muslim Mindanao would be a demilitarised zone. Demilitarisation, closely integrated into the autonomy, can act as an internal security measure, as has been exemplified by the demilitarisation and the self-government regime in Åland.

If demilitarisation is deemed a viable option by the actors of the conflict, a demilitarised zone should be implemented together with the current peace process in Muslim Mindanao. A demilitarised zone would, if implemented correctly, disarm the organized armies in the region and make way for the pullout of the Philippine army and the destruction of military equipment and structures. In the CAB, security issues have been a core question, and the newly drafted Bangsamoro Basic Law provides most importantly for the creation of a Bangsamoro Police. A Bangsamoro controlled regional police force is certainly one of the core ingredients to sustainable security. The successful forming of the Bangsamoro Police is dependent on the organizational structure of the police, whether the Bangsamoro Basic Law passes the parliament process, and whether

the regional government will have the authority over the police.

Crucial to any autonomy is its peoples' culture and traditions. Protection mechanisms for the Muslim culture and traditions, mainly through the delegated powers to legislate on matters concerning education and the application of Sharia law, have been granted to the ARMM. Though not utilized and facing several obstacles, the Sharia courts constitute an important cultural empowerment tool for the Moros (Pigkaulan 2011). Improvements are however desirable, for example, the development of the quality of the Sharia courts as well as the Madrasah education system and its schools.

A way to enhance the protection of Muslim culture/traditions would be to introduce a right of domicile (i.e. a form of special local citizenship) in the ARMM. As in Åland the primary mechanism for minority protection is the right of domicile, and it has proven to be a very powerful minority protection tool. That the ARMM needs culture-specific protection mechanisms is clear. Ways have to be found for forms of Islamic governance, though in such a way that it does not exclude or discriminate Christians and Lumads (Toledo 2011a, p. 6).

Theoretically, the institutional support of the ARMM is largely in parity with other working legislative autonomies around the world. But in practice, ARMM officials have significant problems to influence new legislation and politics in Manila. Its institutions of autonomy are often undermined by dysfunctional GPH-ARMM relations, structural and systemic defects, GPH policies, and non-devolved national departments and agencies. It is obvious that the new Bangsamoro autonomy need to address these issues.

The ARMM has some international guarantees, and throughout the contemporary Moro armed rebellion the international community with a myriad of external actors has been in-

involved in all stages of the peace processes. The various international actors currently involved in both the peace and reconstruction/development processes is positive and is one of reasons for the successful completion of the CAB in 2014. Even though the CAB was not an international treaty, influential international facilitators and peace monitors need to continue their involvement during the implementation of the CAB, like the International Contact Group for Mindanao (Wolff 2010; Buat 2008, p. 62; Conciliation Resources 2014).

A conflict in which the sovereignty issue remains unsolved will never lead to any sustainable peace settlement. While sovereignty/integrity has always been a sensitive question in the Philippines, the GPH and Christian political elite have accepted Moro autonomy, and it is widely understood as the only possible solution to the conflict. However, MILF aspirations for a substantially stronger sub-state associative relationship with Manila have faced constitutional obstacles and been met with stiff resistance from various segments of the Philippine society. Moreover the ARMM, in contrast to Åland, display few indicia of sovereignty.

The level of bipolarity between Christians and Muslims is fairly high when considering the problematic Moro-Christian relationship and the one-sided media coverage. That said, it has not reached a level of acute proportions that might for instance lead to mass murders or regular and continuous armed community attacks. The bipolarity might ease if Muslims in general in the Philippines would be empowered and if other actors, such as Christians and Lumads, in the ARMM and adjacent areas affected by the conflict would be adequately included in the MILF-GPH peace process.

The entrenchment of the ARMM as well as the legal framework for the ARMM is satisfactory, however not that strong compared to the Åland autonomy. The problem in Mind-

anao however has seldom been the institutional framework for autonomy, but has rather been caused primarily by hampered implementation. A tradition of rule of law has proven to be of great importance with regard to legal entrenchment of autonomy. It does exist in the Philippines and the ARMM, but faces major problems which have contributed to unsuccessful implementations of peace agreements.

Regarding the presence of dispute resolution mechanisms in ARMM, it has been noted that an adequate institutionalized ARMM-Philippines state dispute resolution mechanism does not exist. There have been different attempts to address the problem, however none of them have been sufficient enough. Today, an already existing actor could take up this role, at least temporarily – specifically the International Monitoring Team. A permanent body is needed in the future though. Here the Åland Delegation could provide valuable inspiration for an internal intergovernmental (i.e. autonomy vs. mother state) dispute resolution body.

Democracy levels in both the ARMM and the rest of the Philippines are evidently low, which has heavily contributed to the failings of ARMM. Even though there have been several elections to the regional parliament, they have been problematic and are heavily interfered in by the central government in Manila. The outcome of elections is largely the result of power play and patronage politics between the Philippine Government and political actors in the ARMM. To solve the conflict in Muslim Mindanao, and all its problems with governance accountability and corruption, a democratization process in both the Philippines and ARMM is important, even though it is not a prerequisite for a successful autonomy regime.

The ARMM, in sharp contrast to the demography of Åland, can best be described as a patchwork of different cultures, languages and communities. But, disunity, internal conflicts and

fractions within Muslim Mindanao particularly aggravate the condition of the ARMM and the peace process. If the conflict becomes even more fractioned, for example if MILF is splintered into several groups, the Muslim opposition would fragment the conflict even more, as has been the case in Southern Thailand or Chechnya. This is something that both the Philippine Government and the MILF are trying to prevent (Mastura 2011, p. 56–60). Unity between and within the MNLF and MILF and unity in the ARMM are of paramount importance to succeed in the peace process. Other experiences of how to deal with a multicultural society in contexts of autonomies should be considered in the peace process in order to find appropriate solutions.

What is complicating the Moro strife for genuine autonomy is the large territory, with its fairly weak distinctiveness and insularity, which make it difficult to delimit the borders of Mindanao's autonomy. Furthermore, Mindanao's islands region has an abundance of minerals and other natural resources, of which a fair share is situated in Muslim Mindanao. Land and water rights are of paramount importance for Muslims and indigenous peoples – and to minorities in general – and real consideration should be put on strengthening their rights to the land, including community based ownership. Also in this context the minority protection mechanism right of domicile could be of real interest. The Moro fronts argue that natural resources should accompany genuine self-determination, but the GPH has been unwilling to lose its control over them. That might change if the current Bangsamoro Basic Law passes the Parliament.

As shown in relation to the Åland autonomy and the ARMM, a wider regime-change or reshuffle of space can significantly help the creation of an autonomy regime. This would logically also be the case if a wider controversial revision of the basic relationship between autonomy and nation state is needed, even though

it is not a prerequisite. That said, a new regime-change, ideally coupled with a reshuffle of space, would thus provide a window of opportunity in reforming the current ARMM to a new Bangsamoro autonomy. The most immediate scenario which has been discussed would be a charter change transforming the current unitary centralized presidential system into a federacy. In fact, in line with Santos Jr., a solution of the current problematic structural relationship between the ARMM and the Philippine Government could well be solved through the Philippine becoming a federacy (2005).

In accordance to the analysis in the previous chapter and the discussion above, the factors that are fundamentally hampering the successful operation of the current ARMM, as well as the future creation of an enhanced, enlarged, genuine Bangsamoro autonomy, are: the low level of democracy and rule of law, cultural and ethnic heterogeneity and disunity, inadequate security arrangements, weak institutional support of the autonomy in some areas (mainly with regard to ARMM-Manila relations), the level of bipolarity, conflict over valuable natural resources, the almost non-existence of GPH/State-ARMM dispute resolution mechanisms, and the size of and weak insularity/distinctiveness of the ARMM. Features from the self-government regime of Åland which could be of considerable interest for a new Bangsamoro autonomy are: demilitarisation, a local police force under the authority of the autonomy, the right of domicile as a tool for minority protection, and a conflict resolution mechanism (something resembling the like of the Åland Delegation). The Åland Example cannot, however, be used as a model; at the most the different minority protection features and the institutional support structures of autonomy from the Åland Example can be a source of inspiration.

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Annex A

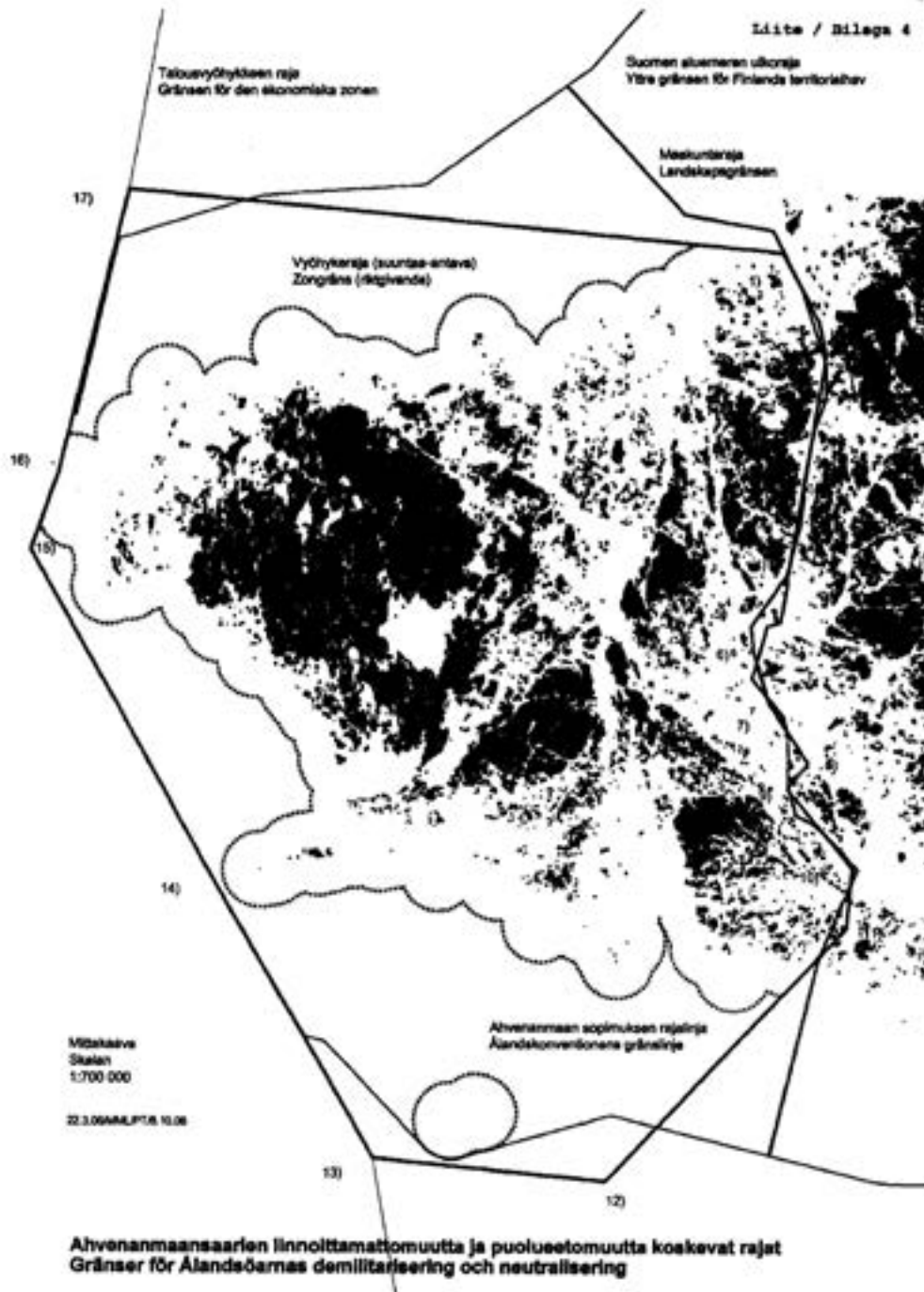
Map of Southern Philippines



Source: International Crisis Group (2011). The Philippines: Indigenous Rights and the MILF Peace Process, Asia Report no. 213

Annex B

Map of the Åland Islands



Source: Gränsarbetsgruppen (2006). En utredning om gränserna för Ålands demilitarisering. Helsingfors: Justitieministeriet

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