Preface

Our aim in this volume is to explore the range of theoretical perspectives that shape debates over federalism in general, and territorial, multinational, hybrid and asymmetric federalism in particular in the region. We want to identify the areas of convergence and disagreement between these different perspectives, to evaluate their strengths and weaknesses, and to assess their long-term prospects. The authors have developed an understanding of how federal or quasi-federal institutions manage ethnic conflicts and accommodate difference, how democratization facilitates the development of federalism and how federalism facilitates or inhibits democratization in Asia.

This book has examined how federalism has fared in Asia, and why it has not been accepted as a very popular basis for Asian democratization and multinational representation. The huge exception, of course, is India and, to a lesser extent, Malaysia and Pakistan, so any explanation of Asian aversion to federalism must take account of these notable exceptions. China's de facto federalism must also be taken into account. Just as importantly, Indonesia's eschewing of federalism needs explanation, as do the ways in which various non-federal countries have achieved decentralization and accommodated multinationalism by other institutional means. Authors in this volume examine individual Asian countries to distil their particular constitutional and political features in order to explain whether and in what ways they are federal or not. Tony Reid highlights Indonesia's aversion to federalism by contrasting it with Malaysia's incorporation of partial federalism in its governance structure. Takashi Inoguchi shows, in Japan's case, that strong traditions of decentralization have underpinned democratization within a formal unitary system.

One major theme of the book is the relationship between federalism and democratization in Asia, which Baogang He examines extensively in Chapter 1, and the various country studies address in specific ways. A second major theme is the character of federalism and how it functions, or might function, in Asia. This is a large topic that is tackled in various ways: by Baogang He, who provides a summary of the debate on competing models of federalism and highlights hybrid federalism taking place in Asia; by Will Kymlicka, who sets out a model of 'multinational federalism' in Chapter 2; and by David Brown, taking a different viewpoint in Chapter 3, that he calls 'regionalist federalism'.

Eight Asian countries are examined in individual country studies, in chapters 4 to 12: India, Pakistan, Malaysia, Indonesia, the Philippines, Myanmar, Japan and China, with a separate chapter on Hong Kong, which forms a highly autonomous region within China.

Three of these countries are federal and are included in the roll-call of federal countries world wide by Ron Watts and Daniel Elazar. These are India, Pakistan and Malaysia, all founded in the immediate postwar period after extensive British colonial rule. Of these India is the outstanding functioning federation and democracy, despite some centralist features that allow national intervention in state government. It is also exceptional because of its vast geographic and demographic dimensions, serving more than a billion people across a subcontinent. Pakistan and Malaysia have weaker forms of both federalism and democracy, and more turbulent political histories. Pakistan has been the least stable country, experiencing wars of separation and division as well as long periods of military government. As well as a dominant military, it has a centralist administration that manages a system of 'illiberal federalism'. Malaysia has a centrally managed variety of 'semi-democracy' and minimalist 'federalism' controlled by a dominant party that continues in power at the national level. Neither of these countries can be conceptualized as multinational federalism; indeed, quite the opposite, with federalism being designed and managed so as to scramble and blunt ethnic differences. While Indian federalism has been spectacularly successful in representing and, at the same time, moderating ethnic populations, that has occurred within the large constitutional purpose of territorial representation in multiple spheres of government.

Other Asian countries that we might expect to have embraced federalism for multinational or decentralist purposes of government are Indonesia and the Philippines. Neither, however, has done so. Indonesia has been averse to federalism because of its more revolutionary founding and commitment to a national democratic ethos. Concern for secession of ethnically distinct regions has also been a factor against federalism, although the recent concession for Aceh gives special autonomy status to this distinctive and troublesome province. The Philippines is less averse to federalism that is currently being advocated as an appropriate means of resolving its multinational problems. This is somewhat alien to its tradition of central government with a well established system of local government for decentralist administrative purposes.

Japan is the leading unitary state in Asia and stands out as the most highly developed constitutional democracy with an elaborately entrenched constitution. For its amendment, Japan's constitution requires a referendum in addition to two-thirds majorities in both houses of its legislature. It is the only unitary country that comes within Lijphart's (1999, pp. 220–21)

select list of countries with constitutions that are hardest to amend, requiring ‘super-majorities’ greater than two-thirds approval of both houses of the national legislature. The other countries in this top constitutional bracket are all notable federal countries: Australia, Canada, Germany, Switzerland and the United States. Japan is perhaps very well known in the West for its strong unitary system of government, but less well known for its centuries-old tradition of decentralization or quasi-federalism that has underpinned its democratic development and curtailed centralism.

Myanmar, previously known as Burma, is the polar opposite: a highly centralized and oppressive military dictatorship that eschews both democracy and constitutional government, so not surprisingly also federalism. Myanmar has dealt with its minority nations with suppression and the repression and expulsion of its leaders, although there are welcome signs of preliminary consideration of some partial return to constitutional government.

China holds special interest for the study of federalism because its revolutionary founding and Communist party rule over a vast territory and more than a billion people is ever more at odds with increasingly effective market capitalism. This is producing large disparities across China and providing the seaboard provinces with the economic base for greater political independence, so much so that China’s political economy might be characterized as ‘de facto federalism’. In addition, China has incorporated Hong Kong through a special status arrangement of ‘One Country: Two Systems’ that gives Hong Kong a high degree of autonomy.

The final chapter, by Brian Galligan, puts the discussion of federalism back into a broader historical and comparative perspective, showing that it serves multiple purposes, only one of which is multinational governance. Constitutional federalism allows for decentralization and complexity of government, and works best in liberal democratic political cultures characterized by tolerance and commitment to limited government. To work at all, federalism requires some significant presence of factors that will support a complex system of divided and limited government. Such an account of constitutional federalism draws upon the traditional meaning of federalism in Western political thought and constitutional design. It articulates some of the main attributes or propensities that have been identified in, or claimed by, studies of federalism. From this we can derive a more comprehensive understanding of the complexities of federalism that help our investigating why federalism has not been so prominent in Asian countries and, where it has, why that has been the case.

Finally we conclude with some observations on federalism in Asia that might be summed up in several propositions: one, that federalism has been relatively weak or non-existent in Asian countries that lack prior

decentralist traditions, or where liberal democracy and market capitalism are weak; two, that in the broader sense of politically entrenched decentralization, hybrid federalism or quasi-federalism has more prevalence in some Asian countries; and three, that the need and potential for greater federalism in many Asian countries makes our sortie into this area worthwhile. While federalism is relevant to Asia, the working pattern of Asian federalism does not necessarily follow a Western style. Hybrid federal institutional design can be seen as an Asian strategy of managing ethnic conflicts through federal arrangements.

CHAPTER OUTLINES

Chapter 1 Baogang He, ‘Democratization and Federalization in Asia’

This chapter provides an overview of theoretical and empirical issues for this edited volume. Section 1 maps the status and various forms of Asian federalism, section 2 outlines key debates over the competing models of federalism in Asia, section 3 argues that hybrid federalism is the form most appropriate to deal with minority issues and the national identity question in Asia, sections 4–5 develop an understanding of the complex relationship between democratization and federalization in Asia, and section 6 addresses the question of whether and how federalism can reduce or contain ethnic conflicts.

Chapter 2 Will Kymlicka, ‘Multination Federalism’

This chapter discusses an emerging trend in the West towards a model of ‘multination federalism’, which grants federal or quasi-federal forms of territorial autonomy to historic substate national groups. It argues that this model is working well to manage ethnic diversity peacefully, democratically and with respect for human rights, notwithstanding some continuing areas of controversy. It explores some of the factors that inhibit its adoption in Asia.

Chapter 3 David Brown, ‘Regionalist Federalism’

The case for multinational federalism is sometimes made in Asia by claiming that the demands of ethnonational minorities for territorial autonomy are rational reactions to their oppression by a dominant ethnic core and should therefore be acceded to as conducive to protective democratization. This chapter seeks to problematize this argument. It argues that the granting

of federal autonomy to ethnic minority homeland regions is more likely to inhibit the further democratization of Southeast Asian nation-states than to promote it; and that regionalist federalism might be more conducive than a multinational federalism to the democratization of Southeast Asia. The conclusion is that the goal of deliberative democracy can best be promoted by a regionalist federalism conducive to a deliberative democratic national integration, rather than by multinational federalism.

Chapter 4 Gurpreet Mahajan, 'Federal Accommodation of Ethnocultural Identities in India'

The chapter explores two questions: (i) the relationship between federalism and democratization, and (ii) the ability of federalism to resolve issues of ethnic conflict. Reflecting on the Indian experience it argues that, in post-colonial societies, federal structures were closely linked with co-option and annexation of territory. For this reason democratization and federalism are not often linked together in the collective memory of these societies. Nevertheless, over the years, federalism is gradually being linked with democracy and is being seen as a way of deepening democracy.

In India, federalism has created and expanded a plural public sphere, curtailed the intervention of the centre in the regions, nurtured the autonomy of the latter, provided new, and previously marginalized, groups with access to political power, brought these political élites into the national mainstream and given them an opportunity to influence and determine public policy at the national level. Above all, the federal framework has acted as a kind of safety valve by accommodating and deflecting dissent that was mounting against the centre and, by extension, the Indian State. In other words, the federal structure has enabled the state to address and accommodate dissenting voices. It has, in the process, played a crucial role in holding the nation-state together in the post-independence period.

Chapter 5 Katharine Adeney, 'Democracy and Federalism in Pakistan'

The use of multinational federalism as a mechanism of ethnonational conflict regulation is controversial. It has been rejected as a structure of government by many of the decolonized states, especially multinational ones. This chapter argues, albeit with sweeping generalizations, that the structure of federalism implemented in Pakistan demonstrates that the main reason states reject federalism – that territorially homogeneous groups allotted their own territory are likely to secede – does not hold in all cases, and can be mitigated by additional structures. In so doing, it addresses the debate concerning the use of homogeneous versus heterogeneous provinces within

multinational federations. The chapter examines the historical formation of federalism and current development of federalism in Pakistan and highlights the illiberal features of Pakistani federalism.

Chapter 6 William Case, ‘Semi-democracy and Minimalist Federalism in Malaysia’

Federalism is usually credited with promoting democracy. In Malaysia, however, it has been practised in ways that reinforce ‘hybrid’ politics, an amalgam of authoritarian controls and democratic procedures through which the government has efficiently perpetuated its incumbency. Federalist arrangements in Malaysia, then, have grown similarly skewed, with the central government assuming disproportionate power. Nevertheless, they retain enough substance for state-level governments still to be able to raise revenues and devise policies with some autonomy. This chapter demonstrates that Malaysia’s federalist arrangements possess greater substance than is usually acknowledged. It shows that, by organizing federalism along territorial, rather than multinational, lines, the government disorganizes the social minorities that sometimes chafe under its rule. And by adjusting even its territorial federalism to minimalist levels, the government prevents regionalist sentiments from cohering in secessionist movements.

Chapter 7 Anthony Reid, ‘Indonesia’s Post-revolutionary Aversion to Federalism’

States which achieve their current form through revolution have some advantages over those which evolve in the incremental manner of multiple compromises. They have powerful symbols, a clear identity, a centralized system of government and education, and an ideology which favours equality between citizens. France has these advantages in comparison with the United Kingdom, but it also has some disadvantages, particularly from the viewpoint of regions or minorities which feel themselves profoundly different. This chapter will look at a Southeast Asian pairing, post-revolutionary Indonesia and evolutionary Malaysia, to examine the costs and benefits of post-revolutionary centralization as against Malaysia’s asymmetric federalism. It explores the possibilities of a kind of ‘asymmetric Federalism’ as a solution for Aceh following the peace agreement of 2005.

Chapter 8 Ron May, ‘Federalism v. Autonomy in the Philippines’

The Philippines does not have a federal system but, especially since 1991, it does have a fairly high degree of decentralization, which includes an

Autonomous Region of Muslim Mindanao and constitutional provision for an autonomous region in the northern Cordilleras (which has been rejected in two referenda). In recent years, however, there have been repeated calls for a federal system, endorsed in the context of proposals for constitutional review ('charter change'), in President Macapagal-Arroyo's 2005 State of the Nation address to Congress.

This chapter will provide a brief overview of decentralization under the Local Government Code in the Philippines, review the experience of autonomy initiatives in Muslim Mindanao and the Cordilleras, and look at the recent history of the idea of federalism in the Philippines. It will argue that, despite their limited success, autonomy arrangements probably offer a more promising way of dealing with issues identified in the present debate than a symmetrical federal system.

Chapter 9 Alan Smith, 'Ethnicity and Federal Prospect in Myanmar'

The most important 'development' in Myanmar's political situation is undoubtedly the military's managed transition from total military control to something else, a new constitutional system. There are many opponents of the military's national convention and road map to 'disciplined democracy' (some highly vocal), including the National League for Democracy (NLD) and its political allies excluded from the process, and much of the international community, on the basis of its undemocratic process. Exile opposition groups are also highly vocal opponents, insisting that the only legitimate outcome is a democratic and federal Burma. The argument for a federal Burma relates to the ethnic dissatisfaction with the structure of the Union of Burma since its formation and of course armed rebellion (now largely in ceasefire) against the 'Union' government. A group of ethnic ceasefire groups broadly in favour of autonomy in ethnic states accepted the State Peace and Development Council's (SPDC) invitation to join the renewed National Convention (NC) process in 2004.

Chapter 10 Yongnian Zheng, 'China's de facto Federalism'

China does not have a federalist system of government. Nevertheless, from a behavioural perspective we can see China's de facto federal structure. This chapter outlines an overall de facto federal structure in China's central-local relations. It identifies three main institutions which are embedded in China's de facto federal structure, namely, coercion, bargaining and reciprocity. The chapter also examines the prospect of the institutionalization of de facto federalism in China.

Chapter 11 Peter T.Y. Cheung, 'Toward Federalism in China? The experience of the Hong Kong Special Administrative Region'

Hong Kong enjoys a higher degree of autonomy than most local authorities in federalist systems, such as in the area of monetary policy and external economic relations, although the interpretation of its Basic Law is still in the hands of the central authorities. Some scholars have argued that a federalist formula is perhaps one of the most feasible platforms for China's unification with Taiwan. Nonetheless, few scholars have examined what the Hong Kong experience means for China and whether it has further strengthened the federalist tendencies in the Chinese political system. This chapter is an attempt to address these questions. It provides an analysis of Hong Kong's experience in implementing the policy of 'One Country, Two Systems' in both theory and practice since 1997. The analytical focus is to examine how Hong Kong fares in light of the experience of federalist systems. The recent developments in Hong Kong's intergovernmental relations with both Beijing and south China will also be addressed. The chapter concludes by exploring the prospects of a federalist future for China and Hong Kong's impact on the process.

Chapter 12 Takashi Inoguchi, 'Federal Traditions and Quasi-Federalism in Japan'

In the West, Japan has long been regarded as a very centralized unitary state. Thus it is often forgotten that it has an even longer quasi-federal state tradition giving a solid autonomy to some 300 odd domains in early modern centuries (16th to mid-19th centuries). This quasi-federal tradition has survived alive and well for the last century in the form of very autonomous bureaucratic agencies at the highest level of central government. Confronted by the challenge of the deepening tide of globalization and of an increasingly self-expressive citizenry, Japan has been probing ways of meeting these challenges through the still uncertain mix of the two traditions. The chapter attempts to elucidate how Japan has been trying to adapt to changing environments. The postal privatization law legislated in 2005 is used to illustrate the argument. The chapter argues that Japan has been moving in the direction of loosening the tradition of a centralized unitary state to gear up the competitiveness of Japan and to tailor to the needs of those otherwise marginalized.

Chapter 13 Brian Galligan, 'Federalism and Asia'

This chapter examines comparative federal theory and practice to see how it might incorporate the multinational and regionalist perspectives in ways

that deepen our understanding of federalism, or the lack of it, in the different Asian countries studied. It ends with some concluding observations on federalism in Asia.

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