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To cite this article: Sarah Shair-Rosenfield (2021): Shared rule as a signal of central state commitment to regional self-rule, *Regional & Federal Studies*, DOI: [10.1080/13597566.2021.1960512](https://doi.org/10.1080/13597566.2021.1960512)

To link to this article: <https://doi.org/10.1080/13597566.2021.1960512>



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Published online: 01 Aug 2021.



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Shared rule as a signal of central state commitment to regional self-rule

Sarah Shair-Rosenfield

Department of Government, University of Essex, Colchester, UK

ABSTRACT

Regional governments, particularly those representing distinct communities, are typically thought to pursue power of *self-rule*, or the ability to self-govern within their own regional jurisdiction. In contrast, limited attention has been paid to the importance of granting substantial influence via *shared rule*, or the ability to co-exercise authority over the state as a whole. Yet, central governments who fail to provide some form of guarantee regarding the authority to self-rule may face ongoing challenges to their legitimacy, authority, and ability to govern. As a result, granting shared control over modifications to their legal status may help to pacify demands from restive regions and those geographically separated from the state's centre. Analyzing the relationship between self- and shared rule across regional governments in Europe, the Americas, and Asia, I examine how the horizontal dimension of multi-level governance can serve as an accommodation strategy by central governments.

KEYWORDS Decentralization; shared rule; self-rule; credible commitment; Asia

In recent decades, special autonomy arrangements have become a common mode of mitigating the persistent threat of separatist pressures and ethno-nationalist demands that lead to the forcible break-up and creation of new states. Such special arrangements can improve state capacity by devolving authority from the centre outward to the governors of restive regions, sometimes in the absence of comparable (or any) powers for non-restive regions. As such, their creation as a form of conflict or dispute resolution theoretically marks a departure from expectations in the existing literature that argues that state-building efforts typically focus on centralization of authority in an effort to thwart regionalist pressures (e.g. Soifer 2015).

CONTACT Sarah Shair-Rosenfield  s.shairrosenfield@essex.ac.uk

 Supplemental data for this article can be accessed at <https://doi.org/10.1080/13597566.2021.1960512>

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Alongside special autonomy, states may pursue decentralized forms of governance for a variety of reasons, though two of the most common explanations are functional and communal pressures. Functional pressures lead to decentralization of authority over policy-making and/or financing because governance necessitates it. Thus, functional pressures result in decentralization because subnational units are more effective and efficient at the process of governance across their aggregated units than the central state is at governing the entirety of a state's territory. Functional pressures are abundantly clear when considering geographically diverse or dispersed states, like archipelagoes, and states with a diversity of population densities and locations, split between highly urbanized and sparsely rural.

In contrast, communal pressures are typically assumed to arise when populations at the subnational or regional level are somehow distinct from the wider population of the state. In federal states, the presumption is often that all subnational units exhibit some degree of distinction and this justifies high levels of subnational control. In unitary cases, such pressures tend to be less universal and result in different forms or degrees of decentralization to accommodate only certain subgroups. As a result, territorialization and asymmetries in the power relationship between central and subnational governments have long been perceived to result from variations in the ethno-nationalist/linguistic composition and/or the economic strength and bargaining capacity of subnational regions. The desire for self-governance, particularly in regions marked by territorially concentrated national minority groups or where particular resource or economic endowments exist, tends to not be uniformly distributed across a national population. Similarly, pressures for self-governance are also constrained by opportunity structures and the cost of failing to achieve such goals, which are also likely to be non-uniform in distribution across both time and space.

In newly independent nations, the process of governing may be complicated by potentially competing pressures with respect to political institutional choice: institutions that can help to provide collective goods and services versus institutions that can accommodate a wide variety of group interests. In states with more diverse populations and geography, these two institutional goals are more likely to be at odds. Particularly in post-colonial states, such as those in Asia and Latin America, the processes of conflict management and state-building are often dramatically complicated by the diversity of the population of the newly formed states and the institutions left behind by the former colonial power(s). The combination of diverse populations and varied colonial legacies resulted in wide disparities in the authority vested in different subnational regions in the newly independent states.

Decentralized authority can provide a state with a solution to communal pressures for self-governance. However, in post-independence, post-

conflict, or weak states, the effectiveness of this solution is predicated on the ability of the state to credibly commit to regional self-governance. I argue that granting regional self-rule authority, understood to be the ability of a regional government to exercise its authority within its own jurisdiction, is insufficient to mitigate communal pressures because fears of recentralization will persist. However, regional governments can be granted the power of consultation or veto with respect to changes to the legal statutes or constitutional provisions that protect their specific self-rule authority. This power, referred to as ‘bilateral constitutional reform authority’, can serve as a credible commitment of a central state’s intentions to enshrine regional self-governance. While other aspects of self- and shared rule may help to bolster regional self-governance and alleviate separatist pressures or grievances, the power to be consulted and/or to veto changes to a region’s legal status serves as a unique signal of the central state’s commitment to continued regional authority. In the following sections, I outline a theoretical framework for understanding this credible bargain made between central states and special status regions and evaluate empirical patterns in this relationship in a sample of special status regions in the Americas, Asia Pacific, and Europe in 2018.

The utility and limits of self-governance to satisfy regional pressures

Pressures for self-governance can be resolved contentiously and peacefully, but self-governance demands may turn secessionist and violent. Disputes regarding issues of self-determination and autonomy are more likely to escalate to full-scale civil war (Marshall and Gurr 2003), among the more difficult conflicts to resolve via peace agreements or some form of negotiated settlement (Walter 2002, 2004, 2014), and oftentimes cannot be deterred simply because a group’s chance of winning such a conflict is highly improbable (Sambanis and Milanovic 2011). Indeed, one reason for the popularity of power-sharing agreements is that they ostensibly provide some form of ‘guarantee’ about the state’s commitment to the terms of peace in post-conflict states (Hartzell and Hoddy 2003).

As a response to conflict, decentralization may be seen as a way to achieve democratic consolidation by sharing power with local authorities, even as it may also result in minorities becoming more marginalized or vulnerable within the context of a divided society (Lijphart 2004; Reilly 2001). A long-standing debate on whether regionalization moderates or intensifies secessionism has led to mixed findings regarding the ability of federalization to ameliorate violence or exacerbate and politicize differences among groups by institutionalizing local distinctions (Amoretti and Bermeo 2004; Bermeo 2004, 475–477; Horowitz 1991; McGarry and O’Leary 2009; Roeder 2007;

Stepan, Linz, and Yadav 2011). Decentralization may initially serve to reduce social conflict by more efficiently allocating economic resources (Horowitz 2006), but subsequently lead to greater sovereignty demands by empowering subnational units and providing the resources and justification to mobilize for even more self-determination (Brancati 2006; Hechter 2001; Weingast 1995). In other words, dispersion of authority and resource control may lead down a 'slippery slope'.

Asymmetric forms of power dispersion were originally posited to encourage this 'secession potential' (Tarlton 1965, 873), a conception that has gained political traction during debates in recent years about the position and pressures for greater autonomy in ethnically or economically distinct regions such as Catalonia, Quebec, and Scotland. Many scholars point to ethno-national or ethno-linguistic cleavages as the lines along which self-determination pressures emerge in order to protect minority identities in plural societies (Keating 2001; Kymlicka 2001; Watts 1999). On a more normative level, the debate over asymmetric decentralization tends to stem from the ability of a single system of government to satisfy different conceptions of equality for citizens: universal decentralization is insufficient to offer minorities appropriate levels of rights, protections, and control (Agranoff 1999; Requejo 2005; Shair-Rosenfield et al. 2014) while asymmetric decentralization may lead to the elevation of specific groups over others (Barry 2001).

Asymmetries in subnational power and authority are common to all federal systems and many unitary decentralized systems, but vary in the level of disparity in the power and authority held by distinct subnational units (Agranoff 1999; Elazar 1987; Watts 1999). These disparities in power can complicate the process of governing. For example, many of India's states hold special agreements with the central government and result in extremely diverse state-level party systems and levels of public expenditures (Chhibber and Nooruddin 2004; Saez and Sinha 2010). In Belgium, the federal system provides for ethno-linguistic distinctiveness to remain a basis of subnational policy-making in the three territorially defined regions (Swenden 2002), though this can often lead to instability in or the inability to form a government. In post-Franco Spain, which arranged for special agreements in several provinces, constitutional reformers believed separatist issues and minority concerns to be among the most contentious, divisive, and potentially destabilizing issues immediately following the democratic transition (Díaz-López 1981; Moreno 1997). In the context of multinational societies, the underlying assumption is that the balance in political authority between 'haves' and 'have nots' is difficult to maintain and inherently unstable (Zuber 2011).

Alongside the endowment of power over self-determination, the concept of intergovernmental systems point to the reality that the ability to govern within one's own group or region is often insufficient to improving

governability and state capacity. This is because the process of self-governance may be affected by decisions retained as part of the central government's power. An example of this comes from Scotland, where Scottish Parliament holds the power to set the base and rates of income taxes but the UK Parliament determines what taxable 'income' is (McEwen and Petersohn 2015). While the ability to set the base and rate of income tax is a tremendous level of authority for a regional government to hold, the practicalities of executing that authority are still heavily constrained by the centre. One solution to this constraint, especially common in federal systems, is to allow regional governments the ability to share rule with the centre on important and potentially contentious issues, in addition to allowing self-governance within their own regional jurisdictions.

Within the realm of decentralization, there are two primary forms through which authority is vested. *Self-rule* refers to the ability of a regional government to exercise authority within its own regional jurisdiction. In other words, to what degree does a regional government have self-governance authority as distinct from the authority the central government has within its own region? With respect to conflict alleviation and territorial management in multiethnic and multinational societies, previous work has largely focused on pressure for and the acquisition of self-rule. This is built on an assumption that the primary concern of regional governments is to control region-specific policies and address regional constituent needs, without central interference. Indeed, this is what political actors in search of self-governance often draw attention to when making appeals to their constituents (McEwen and Petersohn 2015, 192). This is especially the case where pressures for decentralization emerge from communal, rather than functional, sources: if a region's population sees itself as a distinct community from the population of the rest of the state, it may care little about co-exercising authority over the populations of the other regions while it ultimately is concerned about central intrusion into its specific domain (c.f. Hausing 2021).

However, a long-standing literature in federal studies addresses the ability of a regional government to co-determine authority within the broader state, known as *shared rule*. This conceptualization of subnational authority considers the degree to which a regional government participates with the central government and other regional governments in a policy-making process that applies to all regions. Combined with self-rule, these forms of authority delineate the degree to which regional governments can both unilaterally exercise control within their own home region and co-exercise control within the larger state (Elazar 1987; Watts 1999). Evaluating the role of shared rule, with its focus on how and under what context subnational governments and actors participate in and actually influence national policy-making, thus improves scholarly understanding of power distribution within decentralized systems (Mueller 2014). Though much of the work on

shared rule focuses explicitly on the relationship between self- and shared rule in federal systems (e.g. Mueller 2014), the concept and theory have applications for other decentralized systems as well.

There are many different aspects of shared rule that can shape how regional governments and citizens influence national policy decisions and the subsequent exercise of power within the region itself. For example, the ability of subnational governments to co-determine tax and borrowing policies can alter the sources and amounts of revenue that subnational governments can rely upon to implement locally preferred policies. Additionally, routine meetings or consultations among national and subnational policymakers can provide an important resource for information sharing between subnational governments seeking innovative ways to improve local governance. For example, Swiss local government associations can help to coordinate policy knowledge and response among the communes vis-à-vis the higher-level cantons, suggesting that vehicles for coordinated networking can provide benefits to local governments at multiple levels (Mueller 2014, 99).

Nevertheless, these expressions of co-determination share one attribute in common: they do not explicitly address or extend the power of regional consultation or veto over the legal statute codifying a region's self-rule authority. Though different dimensions of shared rule are undoubtedly critical to fully realize the potential for self-governance, there is one specific reason why self-rule authority is insufficient to satisfy regional governments: fear of recentralization. There are numerous political reasons why regions may be skeptical or suspicious about the central government's commitment to ensuring their self-governing authority. For instance, partisan goals may differ across the national political spectrum. Thus, regional governments may worry about the election of a different party or coalition than that which provided the decentralized authority, which could result in the new government retracting the endowed authority. Alternatively, it may be that the region possesses a key resource. In the event that markets shift or the national economy weakens, the central state may try to retrench the fiscal control it previously gave to or shared with the region.

More simply put, the self-governance authority granted by the central state during decentralization may not suffice for regions seeking greater authority or independence *because that granting of authority represents a commitment of questionable credibility by the central state*. Since power is often perceived to be 'given' by the centre, regions worried about the credibility of the central state's commitment to their right to self-governance may assume their only option is to forcibly coerce the state to continue to let them govern themselves or perpetually threaten to seek or force the issue of a region's independence. It may be quite difficult to make credible a central state's claim to be committed to a region's self-governance. Even the

signing of a formal peace agreement or law on a region's self-governance framework may not suffice to convince a skeptical region of the central state's commitment.

However, one way through which the central state may offer a credible commitment to a region's continued ability to self-govern is to provide some form of legal guarantee to the region. For example, the region may hold a veto regarding any modification to the constitutional or legal framework that enables or ensures the extent of the region's self-government. A veto over changes to the legal status of the region should provide sufficient assurance that the central state cannot unilaterally modify the status quo of regional self-governance. Alternatively, in the absence of a regional government veto over the region's legal status within the state, a requirement of regional government consultation may satisfy regional elites. Although it may serve as a weaker signal of central state commitment compared to a full veto, a required regional government consultation can still play an important role in shaping ongoing negotiations and compromises between national and subnational actors. Consultation may also provide the space for citizens and civil society organizations to insert their perspectives into the legal amendment process.

I have argued that even a substantial commitment to regional self-governance is unlikely to satisfy regional elites in the absence of some mechanism for signalling credibility on the part of the central state, such as providing the right of consultation or veto power over alterations to the legal status of the region. The greater the check on central state decision-making provided to the region, the more likely that check is to serve as a credible signal regarding the central state's commitment to regional self-governance. When a regional government perceives the central state to have made a credible commitment, the regional challenge to state-building and peace maintenance should abate. This is particularly true for regions with demographic and/or governance distinctiveness.

However, it is also possible that a central state perceives that offering greater guarantees of its willingness to co-exercise its commitment to regional self-governance may subsequently signal to regional leaders their relative power *over* the centre. Consequently, this can lead to a process that emboldens pro-independence groups to perpetually challenge the central state, which the central state would prefer to avoid at all costs. As a result, central governments will only offer more credible commitments when support for the regional government becomes strong enough to force the central state's hand. Rather than consider a purely linear trajectory, I instead expect a curvilinear relationship in which lesser guarantees are offered at the lowest and moderate levels of regional self-governance, and moderate and extensive guarantees increase rapidly with increasingly high levels of regional self-governance as depicted in [Figure 1](#). These might be

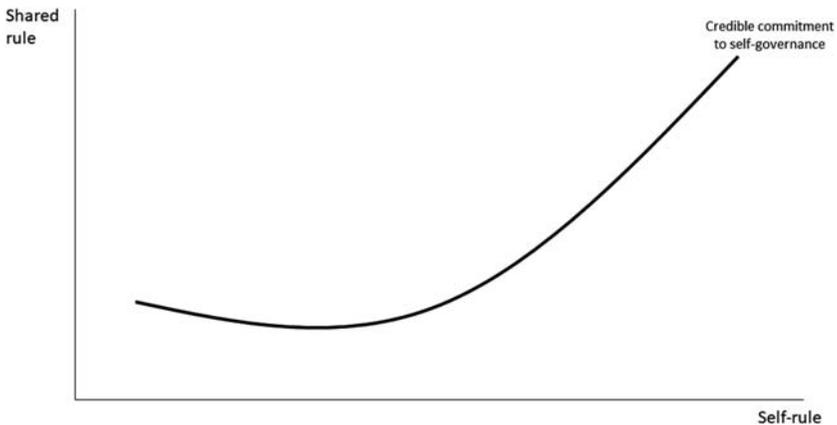


Figure 1. Conditional signalling of commitment to regional self-governance.

characterized as ‘low’ and ‘high’ risk strategies for central state commitment, and they produce my central hypothesis: *Governments trying to signal greater commitment to regional self-governance will offer more authority to consult on or veto changes to a region’s legal status when the substantive commitment to self-governance is relatively extensive.*

The dimensions of decentralized rule in special status regions

Extant scholarship distinguishes specific forms of evidence of credible commitment signals toward regional self-governance by the central state. For example, the literature on peace agreements and power-sharing agreements focus on their ability to reduce conflict recurrence by explicitly tying the hands of the central state and other actors in a post-conflict environment (e.g. Hartzell and Hoddy 2003). However, many countries establish or redefine and deepen regional self-governance without the shadow of conflict looming overhead. I argue that the combination of self-rule and shared rule addresses not only whether a central state has made a commitment to regional self-governance, but also whether that commitment is credible (in the eyes of the regional government and/or population).

To evaluate distinct regions on these two forms of authority, I rely on coding from the Regional Authority Index (Hooghe et al. 2016; Shair-Rosenfeld et al. 2021). The RAI is a dataset that provides utility by ‘successfully developing a universally applicable classification of regional authority, disaggregating subnational levels, as well as taking asymmetries into account’ (Mueller 2014, 85). However, there are two specific reasons for relying on the RAI for an analysis of the relationship between self- and shared rule. First, the RAI v.3 contains data for the largest number of available countries

in a systematic coding of decentralized governance within the Asian region in the year 2018: 19 including China, India, Indonesia, Papua New Guinea, and the Philippines. If a central state's commitment to decentralization can serve as a strategy to manage or mitigate civil conflict and demographic heterogeneity, this is a world region in which many of the world's recent and recurrent cases of violent civil conflict and regionalized repression operate. As such, a dataset that includes them is of great importance.

Second, the RAI offers disaggregation in three key areas of importance for this analysis: (1) it provides coding for multiple different aspects of shared rule; (2) it provides differentiated coding by individual regions within a country that hold distinct status/autonomy statutes; and (3) it provides distinct multilateral and bilateral coding of the shared rule dimensions as they uniquely apply to individual regions within a given country. The RAI v.3 has scores for five dimensions of self-rule – institutional depth, policy scope, fiscal autonomy, borrowing autonomy, and representation – and five dimensions of shared rule – law-making, executive control, fiscal control, borrowing control, and constitutional reform – for 95 countries in the Americas, Asia Pacific, and Europe from 1950 to 2018. Each 'tier' of subnational administration receives a set of standard codes as long as the average population of the tier's units reaches a minimum of 150,000 people; most countries have only one tier coded, though larger countries such as Indonesia (population: 260 million) and India (population: 1.35 billion) have two and three subnational tiers coded, respectively. Additionally, subnational units with special agreements that are enshrined in the constitution or national laws may receive separate scores from the rest of the units in their respective tier. For example, the Australian Capital Territory (ACT) has a distinct status protected by the Australian constitution when compared with the rest of the Australian states; the ACT receives a separate set of codes from the state codes.

Within shared rule, such special status regions receive separate codes for shared rule authority that is collectively held (e.g. multilateral in nature) versus a bilateral negotiation with the centre.¹ This distinction between self- and shared rule is not the only important one to consider in evaluating the authority held by regional governments in decentralized systems. Within the context of shared rule itself, there is a difference between the authority co-exercised by all subnational units and the centre and the authority co-exercised by only some subnational units and the centre. The former is referred to as multilateral shared rule, while the latter is referred to as bilateral shared rule, and it is the latter that tends to preoccupy the governments and populations of special status regions.

The logic underpinning this distinction is made clearer with an empirical example. In Malaysia, two seats in the upper chamber of the bicameral national legislature are held by representatives of each of the federal states

(*negeri*). Though this proportion has changed over time, the number of seats accorded collectively to the states has never fallen below 37% of the upper chamber. Constitutional amendments require a 2/3 majority vote in each of the chambers, meaning that the federal states hold a collective veto over the constitutional amendment process. This is an example of multilateral shared rule, in which the collective body of subnational units shares authority with the central state over matters affecting all units within the state.

In Malaysia, the special status regions of Sabah and Sarawak also possess bilateral shared rule on constitutional matters in a key issue area: their own constitutionally endowed and protected status. In short, the Malaysian constitution prohibits alteration of any of the sections of the articles of the constitution pertaining specifically to Sabah's or Sarawak's constitutionally-protected special status unless the Sabah or Sarawak regional government agrees with the changes. This means that Sabah and Sarawak hold a veto over the constitutional amendment process, but only concerning articles or sections of the constitution that pertain specifically to their special status and protections. This is an example of bilateral shared rule, in which an individual special status region shares authority with the central state over matters affecting its specific special status within the state.

In special status regions, concerns that self-rule authority vested in the regional government cannot be guaranteed can spell disaster for conflict mitigation and state-building projects. Consider, for example, a territorial unit far from central state control and capacity which sees itself as distinct on some marker(s) of identity as well as possessing distinct governance needs. If the unit perceives the need for a high degree of local government control, that local government will want its authority enshrined in law or the constitution to prevent future political events from overturning it. Some of what makes that commitment credible is outside of the central government's control: state actors have only so much ability to affect perceptions about consistent application of the rule of law. Yet much of the credibility rests on factors within the state's control: the unit's government can be granted the ability to delay, amend, or prevent alterations to the unit's status. Agreeing to a region's power to check changes to its legal status can help signal the central state's commitment to respecting the delineated boundaries of self-rule authority within the region's jurisdiction.

The relationship between self-rule and bilateral constitutional reform authority among authoritative regions

Within the cases coded in the RAI v.3, a large number of regions are designated as having a special status, the two most common of which the RAI codes as 'autonomous' or 'asymmetric' regions. These typically are regions

with greater or distinct subnational authority in self-rule, compared with their standard region counterparts. Furthermore, they are also the regions in which commitments by the central state are likely to require some signal of credibility, particularly for those where civil war or less serious forms of political violence and insurgency predated the establishment of the region's special status.² To most directly test the relationship between self-rule and shared rule, specifically bilateral constitutional reform authority, my analysis will be restricted to these two types of special status regions. One additional exclusion criteria also applies: I only evaluate regions designated as part of the first subnational tier of government. The rationale for this is that even where special status regions exist in lower subnational tiers of government, their status is often not enshrined in the constitution and they are rarely given representation in governing bodies through which shared rule may operate.³

To evaluate the relationship between the substance and credibility of a central state's commitment to regional self-governance in these special status regions, I consider the levels of self-rule and bilateral constitutional reform authority possessed by a region. The key questions are whether such regions have secured commitment to within-jurisdiction authority, and whether the specific level of self-rule affects the likelihood of receiving such a commitment. [Figure 2](#) shows the fit line comparing self-rule authority (on the x-axis) and bilateral constitutional reform authority (on the y-axis) for

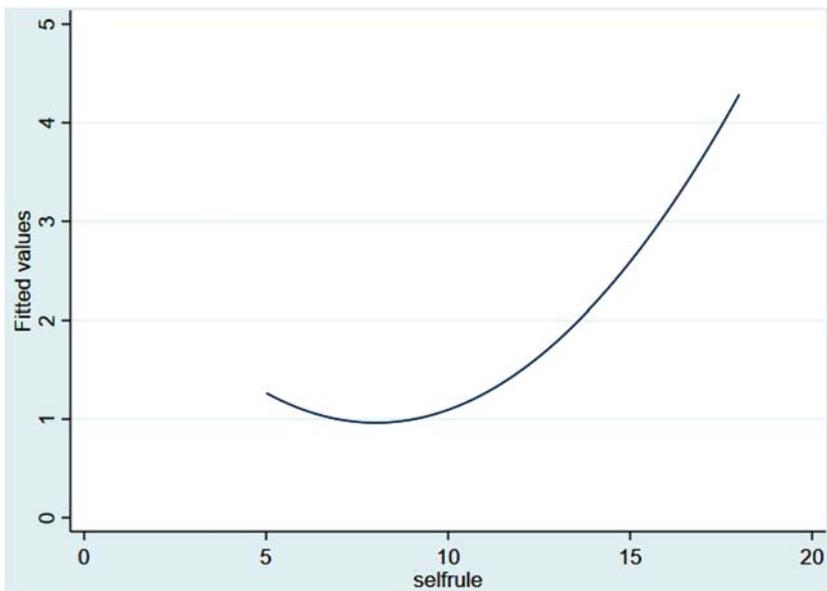


Figure 2. Self-rule and bilateral constitutional reform in first tier special status regions in 2018. Data: Shair-Rosenfield et al. (2021).

the 106 special status regions in the RAI v.3 dataset in 2018. The relationship is curvilinear, with the highest values of bilateral constitutional reform possessed by the most authoritative regions on self-rule. This provides support for my hypothesis.

Beyond the general relationship that emerges from the full dataset, a closer look at the Asian cases reveals specific aspects of the complicated interplay between self-rule and shared rule. [Table 1](#) presents the comparison between the level of self-rule and bilateral constitutional reform authority in all first-tier asymmetric and autonomous regions in the 19 Asian cases in the RAI v.3. The majority of the regions do not hold any bilateral constitutional reform authority, particularly those below a self-rule score of 11 (which represents a relative mid-point score across the five dimensions of self-rule). Only the region of Azad Jammu and Kashmir in Pakistan registers a form of bilateral constitutional reform authority, in this case the median score of 2, indicating the region can propose or postpone alterations to its status within Pakistan.

Table 1. Special Status Region Authority in Asia in 2018.

Self-rule	Bilateral constitutional reform		
	0	2	4
5	Chittagong Hills Tract RC (BAN) ARMM (PHL) Phnom Penh reach thani (CAM)		
6			
7	Guangxi Zhuang AR (CHN) Inner Mongolia AR (CHN) Special Municipalities (CHN) Ningxia Hui AR (CHN) SEZ of Hainan (CHN) Xinjiang Uiyghur AR (CHN) Xizang (Tibet) AR (CHN)		
8	FCT: Islamabad (PAK)	Azad Jammu Kashmir (IND)	
9	Ulaanbaatar (MON)		
10	DKI Jakarta (INO) Gilgit Baltistan (Northern Areas) (PAK) Pattaya (THA)		
11	Delhi NCT (IND) Mizoram (IND) Nagaland (IND) Puducherry (IND) Sejeong (KOR) Seoul (KOR) Yogyakarta (INO) Zhixiashi (TAW)	Jeju (KOR) Papua (INO)	
12	National Capital District (PNG)	Aceh (INO)	
13			
14			
15		Hong Kong SAR (CHN) Macau SAR (CHN)	Bougainville (PNG) Sabah (MLY) Sarawak (MLY)

Data: Shair-Rosenfield et al. (2021).

Eight of the 17 regions scoring on the higher end of the self-rule scale in Asia register consultative or veto forms of bilateral constitutional control.⁴ Many derive their bilateral constitutional authority from conflict management and state-building processes. For example, the Indonesian provinces of Aceh and Papua score 2 on bilateral constitutional reform authority with moderate self-rule scores of 12 and 11, respectively. Each derives its bilateral constitutional reform authority from a special autonomy agreement reached with the Indonesian central state during the early 2000s, as negotiated between the provincial governments and the centre (Bertrand 2007; McGibbon 2004). However, Aceh's agreement has undergone change as conflict re-emerged and required international intervention to broker peace. One of the final issues to be resolved during peace negotiations between the Indonesian government and the Free Aceh Movement (Gerahkan Aceh Merdeka or GAM) in the Helsinki Agreement in 2005 was a provision that the province of Aceh be given final say regarding any future amendments to its special status in enabling legislation. By the time the Agreement was legally enshrined, the Law on Aceh Governance (2006) stripped this language away and instead only guaranteed consultation with the provincial government before any amendment to its status. While this upset some critics of the Indonesian government, GAM's leadership instead chose to focus on winning control of local resources via upcoming gubernatorial elections (Aspinall 2009, 237).

At the far end of the power spectrum, three special status Asian regions hold veto power over amendments to their constitutionally endowed special status, each highlighting distinct influences of post-conflict and post-independence state-building efforts. Bougainville's authority is derived as a result of an internationally-brokered peace agreement and subsequent autonomy process, providing a good example of the influence of non-state actors in the adoption of autonomous status (Boege 2009). After the civil war in Bougainville ended with a peace agreement, national constitutional amendments and an Organic Law for the Autonomous Region of Bougainville were written. A key aspect of the peace agreement was the provision that any future amendments to the Organic Law and constitutional status of Bougainville would require assent by both the legislatures of Papua New Guinea and Bougainville, and was subsequently included in Articles 287 and 345 of the amended national constitution.

Finally, returning to the earlier examples of Sabah and Sarawak, the two Eastern Malaysian states that hold substantial self-rule authority, bilateral constitutional reform veto authority was derived from the negotiation process during the creation of the federation of Malaysia. Upon gaining independence from the British in 1963, Sabah and Sarawak, along with Singapore,⁵ agreed to join the then-Federation of Malaya for a range of concessions related to self-governance (Reid 2010). This example expands upon the theoretical logic of

Ziblatt (2004) regarding state-building in federal polities, since the additions of Sabah and Sarawak were not required for the existing Federation of Malaya to persist and so the Malay state needed to provide special incentives to encourage them to buy into the federal system.

Implications of shared rule as an indicator of commitment to self-rule

The data indicate that there are patterns in when and where regional governments possess a solid commitment to regional self-governance (via high levels of self-rule authority) in combination with a credible commitment from the central state (when that self-rule authority coincides with some or high levels of bilateral constitutional reform authority). This is quite pronounced in Asia, where long-standing civil conflicts have proven difficult to resolve and peace is often challenging to maintain. Despite the potential for asymmetries in centre–region relationships to lead to accusations of unfair treatment, it is clear that central states are willing to make credible concessions to self-governance only in certain cases. Thus, it appears that conflict management and state-building need not be considered an all-or-nothing game: asymmetries in the centre–region relationship may improve overall function within the state by alleviating distinct sources of pressure and conflict. However, the empirical analysis reveals the potential limitations of assuming that legal authority always takes the same form and/or always signals the same level of credible commitment. Here I offer some ways to contextualize theoretical propositions about the conditional effect of self-rule and bilateral constitutional reform authority.

First, a number of alternative explanations have been alluded to throughout the analysis or will be well-known to scholars of specific case studies. As the Bougainville case shows, external actor involvement can shape the relationship between self- and shared rule, particularly where bilateral constitutional reform authority derives from a peace agreement or to conform with a supranational legal framework. Domestic actors besides national executives and subnational governments can also play large roles in key ways. For example, courts may offer different interpretations of the constitutionality of an autonomy agreement, political coalition partners may diverge in their views about the legality of autonomy provisions, and civil society groups may publicize how autonomy laws enable the targeting and violation of civil liberties and political rights within a specific region. This analysis serves as a first step toward establishing the association between self-rule and bilateral constitutional reform authority, offering a starting point for more nuanced understanding of the conditions under which national governments use elements of shared rule to signal credible commitment to regional self-governance.

Second, it is potentially quite difficult to consider all forms of special status regions through similar analysis. As noted above, cities included in a second tier of subnational government rarely rise to the level of inclusion in a constitution or legislative representation, and are excluded from the special status region analysis. Indigenous communities pose complex problems where they are not territorially concentrated (c.f. O’Faircheallaigh 2004; Zaferatos 2004). Therefore, considering how such regions would even receive a signal of credible commitment to regional self-governance from a central state must be made on the basis of a different measure of commitment credibility. This will complicate comparative efforts to understand the circumstances under which central states attempt, successfully or not, to signal their credibility when regional partners are constituted in less commonly understood ways, such as in the context of cities and indigenous communities.

Finally, it is important to comparatively assess whether endowing individual regions with both greater self-rule and bilateral shared rule leads to less civil conflict, enhanced rule of law, regionalization of political party support, further claims for greater autonomy or independence, and/or improvements in living standards within the region itself. Yet, such tests would require comparable subnational data on those outcomes across a range of cases, which presents numerous challenges for scholars. While such data are becoming available, especially for specific cases and particular time periods, there are few comparable subnational datasets on outcomes of interest to scholars of state-building and conflict for a similar range of geographic space and time, or within-country regional variation, as the RAI. This analysis provides a clear association between self-rule and bilateral constitutional reform authority in special status regions, paving the way for those with country-specific data to further explore this relationship in decentralized states.

Notes

1. See Appendix 1 (supplementary material) for the coding scheme for self-rule and multilateral and bilateral shared rule.
2. Appendix 2 lists the 106 cases of asymmetric and autonomous tier 1 regions in Latin America, Asia Pacific, Europe, and North America that held special status as of 2018. They are not evenly dispersed across the cases in the dataset, nor do they hold a single common set of geographic or demographic characteristics.
3. Of the 123 special status regions in 2018 below the first subnational tier of government, 112 have no scores for shared rule while only 6 have any constitutional reform authority.
4. An additional 4 regions – Delhi, Mizoram, Nagaland, and Puducherry – score 4 on multilateral constitutional reform as subnational units in the Indian federal system.
5. Singapore subsequently left the federation and became an independent nation in 1965.

Acknowledgements

For very thoughtful comments, I would like to thank Imke Harbers, Liesbet Hooghe, Douglas Lemke, Gary Marks, Arjan Schakel, Prerna Singh, Wilfried Swenden, Cameron Thies, Henry Thomson. I especially thank the editors of this special issue, Kent Eaton and Arjan Schakel, and the two anonymous reviewers for their feedback. All remaining errors are my own.

Disclosure statement

No potential conflict of interest was reported by the author(s).

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