

THESIS

Multiparty Mediation in the Southern Philippines Conflict

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CHAPTER I

Research Design

I. 1. Introduction

I.1.A. Summary

The conflict in the Southern Philippines between the Government of the Republic of the Philippines (GRP) and two Muslim secessionist groups, Moro National Liberation Front (MNLF) and Moro Islamic Liberation Front (MILF), respectively depicts successful and the less successful mediation process. The mediated negotiation between the GRP and MNLF has already produced the 1996 Final Peace Agreement (FPA) that stands as the foundation for other more technical arrangements regarding the establishment of an autonomous region of Mindanao in the Southern Philippines. The FPA restored the implementation of the 1976 Peace Agreement that had been put aside.

Less development has been reached in the mediated negotiation between the GRP and MILF. Thus far, both sides have not reached any peace agreement, even though they already signed a Declaration in 2010, stating a commitment to continue working on the peace process. However, in the late October 2011, MILF launched a series of attack, which was claimed by the group as ‘retaliation for the indiscriminate shelling of Muslim villages’ by the GRP.¹ Shortly after that, the GRP launched an air strike on the area of Zamboanga Sibugay, where the MILF carried out one of its attacks.²

Given the different outcomes between the two mediation platforms, it is quite appealing to look at the role of mediators in each mediation process. In fact, the nature of the mediator groups in this conflict, i.e. Organization of the Islamic Conference³ (OIC) and International Contact Group (ICG), are distinct from each other. The former is an established international organization, while the latter is an ad-hoc grouping formed specifically to facilitate the GRP – MILF peace talks. Indeed, when the characteristics are different, the behavior of each mediator group is bound to differ as well.

Against this background, this thesis aims to study how mediator behavior influences the outcomes of a multiparty mediation. The answer to the question will be constructed through examining the lessons-learned from the two mediation platforms in the Southern Philippine conflict portrayed in the next chapters of this thesis. First, each mediation platform will be examined to discover both the advantages and disadvantages it brings to the mediation process, in reference to the behavior of the multiparty mediator. Multiparty mediator’s behavior, for the sake of this research, is composed of their standing vis-à-vis the negotiating parties as well as the coordination amongst the members of the mediation

¹ “MILF escalates attacks in Zambo Sibugay; 7 soldiers dead”, <http://www.philstar.com/Article.aspx?publicationSubCategoryId=63&articleId=739977>, 15 May 2012, 09:00 p.m. (CET)

² “Philippines launches air attack on rebels”, http://www.upi.com/Top_News/Special/2011/10/26/Philippines-launches-air-attack-on-rebels/UPI-80061319623500/, 15 May 2012, 09:15 p.m.

³ Since 28 June 2011, the name of the organization has been changed into Organization of Islamic Cooperation.

platform. Having identified the plus and minus points of each mediator platform, the next step is to extract some lessons out of it in order to envisage the best practice for coping with the Southern Philippine conflict and, if applicable, the other similar conflicts.

For a brief timeline of the conflict and mediation process, as well as the highlight of the events discussed later, see, Annex of this thesis.

I.1.B. Context

The conflict between the GRP and the Moro insurgents in the Southern Philippines has been ongoing since 1972, following the armed attack by the MNLF that was initially pursuing the independence of Muslim Bangsamoro (the people of Moro in the Southern Philippines area) from the Philippine jurisdiction. In response, the Philippine government declared Martial Law to be implemented in the whole Philippines and fought the secessionist group with militaristic measures. In 1977-1978, the MNLF split into two groups, and the “new leadership” group declared itself as the MILF.

The conflict has been protracted over time with sporadic attacks by the two groups. Along with the armed struggle, both groups have also been engaged in peace talks with the GRP. Today, there are two mediation processes going on between the government and the two secessionist groups, in two different frameworks.⁴ To coordinate all the conflict resolution attempts as well as to represent the GRP in the peace talks, a special office was set up in 1993, which is called the Office of the Presidential Adviser on the Peace Process (OPAPP), currently headed by Secretary Teresita Quintos Deles.

The GRP-MNLF peace talks have been mediated by the OIC. In mediating the GRP and MNLF, the OIC established a special committee that had been transformed a few times, from the first Quadripartite Committee consisting of four OIC member countries to its latest form, i.e. the Peace Committee for the Southern Philippines (OIC-PCSP) consisting of twelve member states and the OIC Secretary General. Putting it on the context of this research, it was the Committee of Six (Bangladesh, Indonesia, Libya, Saudi Arabia, Senegal and Somalia) who worked on the peace talks during 1993-1996 resulting in the FPA.

The GRP-MILF peace talks are mediated by Malaysia and the ICG. ICG is an ad-hoc group consisting of various states and international non-governmental organizations (NGOs), established to support the peace talks facilitated by Malaysian government. It is composed of four member states as well as four NGOs, i.e. Japan, Saudi Arabia, Turkey, United Kingdom, Centre for Humanitarian Dialogue, The Asia Foundation, Conciliation Resources, and Muhammadiyah, one of the largest Muslim organizations in Indonesia. Malaysia started its mediator role in 2001, while the ICG was created in 2009.

In the context of this research, mediation attempt by the OIC is considered successful because the GRP and MNLF have reached and now been implementing the 1996 FPA. On the other hand, mediation by ICG has not yet achieved a final peace agreement and,

⁴ For further information, see Jacques Bertrand, “Peace and Conflict in the Southern Philippines: Why the 1996 Peace Agreement Is Fragile” in *Pacific Affairs*, Vol. 73, No. 1 (Spring, 2000), pg. 50

regardless of the 2010 declaration to resume peace talks, the armed attack between the two parties still happened, sporadically, even until the late 2011. Along these lines, this thesis will focus its analysis on the mediation process by the OIC in 1993-1996 and by Malaysia and the ICG from 2001 until the present.

I.2. Literature Review

At the beginning, mediation study revolved around the argument that a successful conflict resolution is mainly determined by the substance of the peace proposals that satisfy both sides or, at least, are acceptable to them.⁵ It follows the logic behind the conflicting parties' decision to go into negotiation or mediation, namely to formulate a win-win solution. Focusing only on the content of a peace proposal (or agreement when it is agreed by all parties), this approach does not take into account the process of the mediation effort. Accordingly, it tends to overlook the dynamics of the mediation process that may influence or even determine how a peace agreement is finally achieved.

In reality, a peace agreement is never an independent case. Also, it is not rigidly a matter of content. There are other factors in a peace process that can influence, either positively or negatively, to the conclusion of the agreement. Scholars, then, start to take into account more the mediation process. This process-oriented approach is more dynamic than the end-oriented one, because the former is open for various discussions regarding the factors that may influence the outcome of a mediation process. One of the factors analyzed by scholars is that related to the timing or momentum, for instance, as elaborated by Zartman as well as by Crocker, et.al.

Zartman developed the idea that a negotiation or mediation is likely to succeed when the conflict is perceived "ripe" by the parties.⁶ A conflict is called "ripe" when the conflicting parties have reached a point of "mutually hurting stalemate". In some cases, the parties are unable to see the ripeness, thus, the role of third-party mediator(s) is crucial in framing the conflict situation to be conducive for negotiation.

Since the ripeness of a conflict only appears in the perception of the parties involved, mediators could help shape the mindsets of the conflicting parties that peaceful settlement through negotiation is the best possible solution; that further violence will only hurt both sides. Additionally, mediators could also help initiate the communication between parties when the situation between them is becoming so hostile.

Crocker, et.al. raise the discussion about mediator "readiness", which they define as "*...the moment when a mediator has assembled the requisite resources, political backing, and institutional support – both domestically and among coalition partners – to move the negotiation process forward.*"⁷ When both moments come together, mediation is likely to

⁵ William I. Zartman, "The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments", *The Global Review of Ethnopolitics*, Vol. 1, no. 1 (September 2001) p. 8

⁶ Ibid.

⁷ Chester A. Crocker, Fen Osler Hampson and Pamela Aall, "Rising to the Challenge of Multiparty Mediation; Institutional Readiness, Policy Context, and Mediator Relationships in Chester A. Crocker, Fen

succeed. However, it is a matter of fact that the moment of mediator readiness can differ from the moment of ripeness.⁸ In a situation when mediator gets ready only after the ripe moment for engaging the parties has passed, Chester, et.al. argue that the mediator should re-create the conditions to re-ripen negotiations without losing any of its institutional bases of support.

There are two characters of the post-Cold War conflicts that impinge on the rising importance of third-party assistance in resolving the conflicts. First, most conflicts nowadays are civil wars between governments and ethnic rebel groups, making it often difficult to launch negotiation without the help of the third parties because the governments are usually reluctant to negotiate with the rebels. Second, the rebel groups' demand for independence makes the situation more hostile for negotiation without the help, since sovereignty is indivisible and indispensable.⁹ Therefore, the essential role of mediator needs to be taken into account.

This mediator-oriented approach focuses mostly on the mediation styles and strategies used to settle certain conflicts. In general, there are three mediation styles that may be adopted by a mediator, ranging from low to high intervention, i.e., procedural strategies and directive strategies, as identified by Touval and Zartman, as well as by Bercovitch and Houston.¹⁰ Beardsley, et.al. (2006) further link the mediation styles with the outcome of mediation process.¹¹ A study by Bercovitch and Gartner (2009)¹² combined the mediation styles with conflict intensity to look at the best method to apply in certain type of conflict.

Dean Pruitt goes more into detail by considering mediator behavior as an important factor in the success of mediation.¹³ He elaborates a number of possible mediator's role in peace talks, such as (1) structuring the situation, (2) developing working relationship, (3) caucusing/shuttle diplomacy, (4) gathering information to understand the underlying interests, (5) reframing the issues so as to make the parties more amenable to solution and (6) generating solutions. Pruitt also mentions "creative mediation", which means that a mediator should do whatever feasible – and not only limited to what is written on papers

Osler Hampson and Pamela Aall (eds.), *Herding Cats: Multiparty Mediation in a Complex World* (Washington, D.C.: United States Institute of Peace, 1999), p. 679

⁸ Ibid.

⁹ Nowadays, larger and/or special autonomy as well as federalism are being more widely considered as a "middle-ground" solution, as more states are willing to offer these options to the the rebels, ethnic groups or whatever they may be labeled as.

¹⁰ See Touval and Zartman (1985 dan 1996), Bercovitch and Houston (2000) or Bercovitch and Gartner (2009)

¹¹ Kyle C. Beardsley, et.al., "Mediation Style and Crisis Outcomes" in *The Journal of Conflict Resolution*, Vol. 50, No. 1 (February, 2006)

¹² Jacob Bercovitch and Scott Sigmund Gartner, "Is There Method in the Madness of Mediation? Some Lessons for Mediators from Quantitative Studies of Mediation" in Jacob Bercovitch and Scott Sigmund (eds.), *International Conflict Mediation: New Approaches and Findings* (New York: Routledge, 2009), pg. 27

¹³ Dean G. Pruitt, "Mediator Behaviour and Success in Mediation" in Jacob Bercovitch (ed.), *Studies in International Mediation* (New York: Palgrave MacMillan, 2002), ch. 3

– to solve the conflict. In this sense, a mediator should come with as many scenarios as possible. Furthermore,

Pruitt also argues that mediator's power and status can be employed as a positive trait vis-à-vis conflicting parties to further the peace process. Along this line, Bercovitch and Gartner also propose a basic reasoning for mediator's behaviour. They argue that mediator characteristics and their standing vis-à-vis the conflicting parties are important determinants of the outcome; mediator must be seen impartial, acceptable to all disputants and deserving of their trust.¹⁴

Moving away from the traditional point of view that mediators are heavily focusing on facilitating the conflicting parties, Sinisa Vukovic argues that a mediator can go beyond such a neutral and impartial position.¹⁵ In this regard, mediators are considered as an active party whose particular characteristics become instrumental for the success of mediation.

A previous study by Albert W. Harris focuses on the accommodating behaviors that conflicting parties might take, by looking at the case of "civil wars" in the Philippines and Indonesia.¹⁶ A minimum concern is given to the role of international mediators in helping governments negotiate with insurgencies. In conclusion, Harris argues that in the case of Philippines, there is no agreement between the constituencies in domestic level, which makes the agreement reached between the government of the Philippines and the Moro Islamic Liberation Front (MILF) cannot be implemented. While in Indonesia, the constituencies accept the agreement concluded by the government and *Gerakan Aceh Merdeka* (GAM).¹⁷

Another related study by Jacques Bertrand focuses only on the peace process with the MNLF, particularly on the weakness of the peace agreement between the government and the MNLF.¹⁸ Bertrand criticizes the 1996 Peace Agreement to have certain flaws, such as its failure to address the issue of land rights as well as to involve other stakeholders in Mindanao particularly the non-Muslims. In addition, Bertrand also thinks that the MNLF leadership has failed to address the issue of corruption and mismanagement within itself. In the end, Bertrand suggests that the future of peace in the Southern Philippines is more likely to flourish if the MNLF and MILF peace process are linked in some manner. In this regard, he proposes, a potential agreement between GRP and MILF should include a renewed strategy to accommodate both the MILF and MNLF.¹⁹

¹⁴ Bercovitch and Gartner, op.cit., p. 26

¹⁵ See, Siniša Vukovic, "International Mediation in Focus: Strategies and Bias Expanded" in *Cooperation and Conflict*, vol. 46, no. 1 (March 2011)

¹⁶ Albert W. Harris, "Coming to Terms with Separatist Insurgencies" in *Negotiation Journal*, Vol. 26, No.3 (July 2010)

¹⁷ Ibid.

¹⁸ See further, Jacques Bertrand, "Peace and Conflict in the Southern Philippines: Why the 1996 Peace Agreement Is Fragile" in *Pacific Affairs*, Vol. 73, No. 1 (Spring, 2000)

¹⁹ Bertrand, op.cit, p. 19

These studies address two platforms of a conflict separately, while both must have connections to each other, as eventually suggested by Bertrand in his piece. Regardless of the fact that MNLF and MILF are two separate groups and, therefore, have different stances regarding the conflict settlement, they originally have many things in common in their struggle. In this manner, the existing studies on the Southern Philippines conflict do not provide a comprehensive process-tracing of both mediation platforms. Thus, a new study is necessary to explore what lessons can be learned from both MNLF and MILF mediation platforms, in order to produce a more thorough understanding towards a successful multiparty mediation process.

All in all, the prior studies and the existing theoretical framework within the mediator-oriented approach have provided the tools for analyzing how mediators stand vis-à-vis the conflicting parties. All the elements together, namely mediation styles, strategies, behavior, power and status (standing) as well as impartiality, shape the overall characteristics of a mediator. However, fewer studies look at how a mediator stands vis-à-vis the other mediators within the same mediation platform – here, in the context of multiparty mediation.

Crocker, et.al. acknowledge that managing various actors in multiparty mediation is not an easy matter,²⁰ but do not sufficiently elaborate on the dynamics among the mediators themselves. In general, there is still a big gap between mediator – conflicting parties and mediator – mediator relations. An attempt to fill this gap is a study by Iji and Fuchinoe.

Focusing on the importance of cooperation and coordination between mediators, Iji and Fuchinoe highlight two types of coordination in multiparty mediation, namely (a) among individual third-party initiatives, and (b) by lead mediators.²¹ In this regard, Iji and Fuchinoe argue that:

“...[w]hen states engage in joint mediation, their roles as mediators, which are affected by their independent policy interests, would interact with each other and bring forth specific types of positive interconnections.”²²

Iji and Fuchinoe furthermore argue that different interconnectedness would likely to happen in other sets of mediators, such as in the collaboration of states and international organization.²³ In conclusion, it is also proposed that lead international mediators are likely to be able to effectively exercise coordinating functions, particularly when they are accepted as a chief coordinator by the conflicting parties as well as other mediators.²⁴

There is limited study that comprehensively analyzes how mediators behave towards the conflicting parties as well as towards each other at the same time. In fact, the relationship between mediators (in a multiparty mediation) significantly impacts on how they stand

²⁰ See, Introduction chapter in Crocker, Hampson and Aall (eds.), op.cit.

²¹ Iji & Fuchinoe, “Toward a Better Understanding of Multiparty Mediation in International Relations” in *Hiroshima Peace Science*, Vol. 31 (2009), pp. 157-160

²² Ibid., p. 158

²³ Ibid.

²⁴ Ibid., p. 160

vis-à-vis the conflicting parties. A study connecting the mediator's behavior towards each other and towards the parties is necessary because it will give in-depth as well as hands-on explanations, for instance, concerning how mediators could make use of their numbers, in order to effectively settle a conflict.

The case of the Southern Philippines conflict is also quite interesting, as it features two groups of mediators with different natures. It is expected that studying the case would give insight of what kinds of behavior will make a successful mediation and vice versa.

I.3. Theoretical Framework

This research will apply the existing theories regarding mediator standing and strategies and also coordination between mediators in a group, which together shape the mediator behavior as a whole. In general, a mediator needs to have a good standing in its relations with the negotiating parties, because the standing defines how the parties value the mediator and its role in the peace process and, therefore, influences the parties' compliance to the mediator's strategy in the attempt to conclude a peace agreement. Clearly, a mediator needs to behave in a way that comforts both negotiating parties and maintain their trust. Another essential behavior in multiparty mediation, which is not necessary in single-party mediation, is maintaining a good working relationship amongst members of the mediation platform. Otherwise, an internal tension amongst the mediators themselves may occur and potentially frustrate the whole mediation process.

I.3.A. Mediator Standing and Strategies

According to Bercovitch and Gartner, mediation may be done by any actor – may it be individuals, states, regional or international organizations or institutions – with resources, standing or interest.²⁵ In the case of mediation in the Southern Philippine conflict, there are basically two groups of multiparty mediator, i.e. the OIC Committee of Six, which represents a group of states and the ICG, an ad-hoc group consisting of states and NGOs.

In order to create peace among the negotiating parties, mediators should have power to push or influence to persuade each party, not only to come into negotiation, but also to reach a peace agreement. A peace agreement is one necessary indicator of success of a negotiation process, as it provides a *de jure* commitment to the conflict settlement and foundation for further technical arrangements. The “power” and “influence” of the mediator may well be defined by the term “standing”.

Mediator characteristics and their standing vis-à-vis the disputing parties are important determinants of the outcome; mediator must be seen impartial, acceptable to all disputants and deserving of their trust.²⁶ Furthermore, status can derive from the standing of the organization with which the mediator is affiliated; Mediator status also contributes to mediator effectiveness.²⁷ Concisely, mediator standing comes from its own character as well as from the negotiating parties' recognition.

²⁵ Ibid., p. 22-23

²⁶ Bercovitch and Gartner, op.cit., p. 26

²⁷ Pruitt, op.cit., p. 51

In connection with mediators that consist of many actors, Crocker, Hampson and Aall mention that the credibility of multiparty mediators

“...depends on [1] how important it is to the conflict parties to have a multilateral – not state-based – stamp of approval, [2] the mediator’s ability to satisfy the organization’s member states and [3] their capacity to move their sometimes cumbersome organizations along.”²⁸

As indicated earlier, there are three fundamental mediation strategies along a continuum ranging from low to high intervention that may be adopted by a mediator, i.e. communication-facilitation, procedural strategies and directive strategies.²⁹ The choice of mediation strategy depends on the standing of the mediators vis-à-vis conflicting parties. The higher the mediator’s standing is, the more flexible the mediator could move from one continuum of strategy to another, with concern to what is needed in a certain situation and context.

I.3.B. Coordination in Multiparty Mediation

A new study by Crocker, et.al. comes to a conclusion that in order to succeed, mediators in a team should coordinate themselves and make sure that they create coherence together.³⁰ The bottom line of their argument is that how the mediators organize themselves is related to, and will affect, how the mediators behave towards the conflicting parties. This is possible because by coordinating quite well, it will reduce the possible liabilities of multiparty mediation. Crocker et.al. identify a number of liabilities of multiparty mediation, inter alia, the lack of common vision and the possibility of mixed message, as well as “forum shopping” – a situation where each mediator offers a different forum to negotiate with any of the conflicting parties. Shortly, these liabilities will come as a result if mediators do not coordinate themselves well.

The arguments supportive to multiparty mediation indicate that with more actors as mediator, there will be more ideas and avenues coming up. More actors also mean more resources and standing, which will provide the mediators with more various options and strategies. This will only happen if the members downplay their differences and individual interests and come with a common effort instead. A well coordinated multiparty mediation will result in more resources to utilize and more coordinated interests.

As mentioned by Stedman, and further reemphasized by Iji and Fuchinoue, in order for mediators to be effective, they must speak with one voice.³¹ The way to do it is, inter alia, by having a mediator to take the lead. The role of a “chief” mediator in the team is also important to carry out the coordinator rule. It is further suggested that the presence of lead international mediators are likely to be able to effectively exercise coordinating functions through what might be termed the “coordination mechanism”, when they are

²⁸ Crocker, et.al. (eds.), op.cit., pp. 11-12

²⁹ Bercovitch & Gardner, op.cit., pg. 27

³⁰ See, Crocker, Hampson, and Aall, “A Crowded Stage: Liabilities and Benefits of Multiparty Mediation” in *International Studies Perspectives* Vol. 2, No.1 (February 2001)

³¹ Iji and Fuchinoue, op.cit., p. 160

accepted as a chief coordinator by the disputing parties as well as other mediators and are never seriously challenged in that regard.³²

I.3.C. What makes a good multiparty mediation?

Linking the two aforementioned theories, a multiparty mediation is likely to result in the conclusion of a peace agreement if the mediator has a good standing and are well-coordinated. In the context of mediators in a group or organization, standing can be derived from the power and status of the group or organization and also be determined by the level of coordination and interconnectedness among the members. Equally important with mediator’s own modality and that of the organization, a recognition from the negotiating parties also defines their standing.

Furthermore, as indicated earlier, a high standing of a mediator enables them to be more flexible in using the available strategy options, depending on what is needed in a certain situation. Mediator with a low standing can only possibly exert the facilitation strategy, but with a high standing, it may at a certain point uses procedural and even directive strategy. Finally, it is expected that with a wider range of strategy options, a mediator is likely able to bet the negotiating parties conclude a peace agreement.

The summary of the theories linkage can be seen in the scheme below:

<p>(Theory 1)</p> <p>Power and the status of the group or organization they belong to</p> <p>Recognition from the parties (the level of acceptance, agreed and trusted by both sides, impartiality)</p>	<p style="text-align: center;">Mediator’s Standing</p>	<p>Higher</p> <p>More flexible in strategy options</p> <p>Higher level of dependence from the parties, making them feel more pressure to reach an agreement without fiercely doing so.</p>	<p>Expected result:</p> <p>More likely to reach a peace agreement</p>
<p>(Theory 2)</p> <p>Coordination and interconnectedness among mediators in a group or organization</p>		<p>Lower</p> <p>Less flexible in strategy options</p>	<p>Expected result:</p> <p>Less likely to reach a peace agreement</p>

³² Ibid.

I.4. Research Question

This research will examine the question: “what are the strengths and weaknesses of the multiparty mediation platforms in the Southern Philippines conflict; and how does the mediators’ behavior determine the success or failure to reach a peace agreement?”

I.5. Hypothesis

The existing theory, as mentioned before, explains that a higher standing of a mediator leads to a better position to settle the conflict. In a multiparty mediation, coordination is also likely to help further the settlement of a conflict. Accordingly, this research proposes hypothesis that “mediators with higher standing, i.e. those that are well-coordinated and supported by the power and status of the organization are more likely to succeed in helping the parties to come into a peace agreement.”

I.6. Operationalization of Concepts

I.6.A. Mediator behavior

Bercovitch and Gartner do not make a distinction between mediator behavior and strategies. Furthermore, they suggest that mediator behavior should be conceptualized by the activities in terms of specific strategies. Thus, in their conception, behavior is simply measured by the level of intervention of the mediators in the conflict. However, for the purpose of this research, the concept of behavior is expanded. Two sides of mediator behavior are taken into account, as follows:

- (1) Mediator behavior towards each other, which will be analyzed through how they organize and coordinate themselves as a team of mediator; and
- (2) Mediator behavior towards negotiating parties, which will be analyzed through their standing vis-à-vis the parties as well as the strategies applied in carrying out the mediation tasks.

I.6.B. Successful mediation

Beardsley, Quinn, Biswas and Wilkenfeld mention three outcomes that are relevant to international crisis resolution, namely (1) achievement of a formal agreement, (2) post-crisis reduction of tensions between crisis actors and (3) the abatement of the crisis.³³ Those indicators are useful to measure the success of mediation. In this research, a mediation is considered successful if it leads to the achievement of a formal agreement. On the other hand, it is considered failed if it does not even abate the conflict.

I.7. Case Selection Strategy

This research is based on the notion that mediator behavior in a multiparty mediation is the determinant factor in resolving a conflict. Thus, it is necessary to study two processes of multiparty mediation in similar conflict settings, like the Southern Philippine conflict. Unexpectedly, similar conflict settings in the Southern Philippines do not lead to the same result of mediation attempts; one has come with the conclusion of a peace agreement, while the other not thus far.

³³ Kyle C. Beardsley, et.al., op.cit., p. 66

The conflict in Southern Philippines is an example of multiparty mediation. It is rather difficult to find scholarly work that elaborates the two mediation platforms at the same time. A study by Jacques Bertrand focuses only on the peace process with the MNLF, particularly on the weakness of the peace agreement between the government and the MNLF.³⁴ It leaves room to further study both platforms at one time, in order to produce a more thorough understanding of how each mediator group behaves.

I.8. Data Collection

This research will mainly rely on literature study, which will be done throughout the whole process of this research. In this regard, it is significant to study the agreements signed, official documents issued and statements made by officials of the government of the Philippines, MNLF, MILF, as well as the OIC and ICG. This sort of source is useful to follow the mediation stages and meetings, as well as to find how the mediators organize themselves and how they are seen by the parties.

As a supporting source, it is necessary to look at opinion pieces of the individuals who have practical experience in or knowledge about the conflict. This type of source is usually unofficial in nature but can actually give an insider's story.

In addition, reliable Philippine-based and international online newspapers will also help give information, particularly with regard to the coverage of important occasions as well as to the comments made by the negotiating team members following certain circumstances, either progress or setback in the course of the mediation process.

I.9. Methods of Analysis

This research will apply process tracing through the two mediation platforms in the Southern Philippines conflict. The process tracing is mainly aimed at explaining how each mediator group works in the Southern Philippines by implementing the prevailing theory. This research is well-suited with process tracing because it enables an in-depth analysis of the case, particularly concerning how a better coordination leads to successful mediation.

In addition, this research will also take into account the lessons learned from the mediation practices on the ground. Thus, this research might come with new ideas that are complementary to the existing ones concerning mediator behavior.

I.10. Scope and Limitations

This research is basically expected to provide a thorough understanding of the mediator behavior in the Southern Philippines conflict. Given the different characters of the two mediator groups, this research is also expected to explain why one group of mediator is more successful than the other, mainly by looking at how the mediators in a group behave

³⁴ Bertrand, op.cit.

towards each other. Thus, the scope of this research is quite specific to the conflict in the Southern Philippines.

However, for further study, this research can also be used as a basis, for instance, to do comparative study of mediator's behaviour with other similar conflict. To certain extent, this research is also expected to provide policy-makers, particularly those involve in conflict resolution activities, with some recommendations regarding mediator's behaviour that is necessary to further the settlement of a conflict.

CHAPTER II

1996 Final Peace Agreement: A Successful Mediation by the OIC Committee of Six

“[T]he success of the GRP-MNLF final peace agreement is rightfully viewed here as a major diplomatic trophy of the OIC.”
~ Blas F. Ople, former Foreign Secretary
of the Republic of the Philippines

Since its creation in 1972, the MNLF had pursued both armed struggle and diplomatic approach in order to separate from the Philippines and create an independent Bangsamoro state. The use of military forces was dominant at the beginning of its struggle and following the failure of 1976 Tripoli Agreement, as will be explained later on. The signing of Jeddah Accord in the 1987 had not only terminated the hostility between the GRP and MNLF, but also had opened the avenue to the long-lasting peace until today.

This chapter will further elaborate the successful attempt by the OIC Ministerial Committee of the Six in mediating the peace talks between the GRP and MNLF. The mediation process that took place from 1993 to 1996 had resulted in the signing of the Final Peace Agreement (FPA) between both parties on 2 September 1996.

With the conclusion of such a highly essential document, the mediation process by the OIC is considered successful. As will be presented below, the FPA is a major document because not only did it formally cease the armed conflict between the GRP and MNLF, but also provide a way in for the peace process between the GRP and MILF. Especially after the breakdown of the 1976 Tripoli Agreement, the FPA had renewed the hopes for a peaceful solution in the Southern Philippines.

II.1. The Failure of 1976 Peace Agreement: First Phase of OIC Mediation

Following the first armed attack by the MNLF under the leadership of Nur Misuari in the end of 1972, the GRP would use military approach as an attempt to stop the movement. In order to give more power to its struggle, the MNLF also sought international support by intensively doing diplomatic activities, especially with the OIC. MNLF's diplomacy quickly drew the OIC's attention, owing to the Islamic identity shared by the two. As a result, the OIC Summit in 1974 accepted the MNLF delegates delivering an “appeal letter” stating their wish for the OIC's recognition and support in their battle for an independent Muslim state.³⁵ In 1977, the OIC granted the MNLF an observer status in the organization.

The OIC helped facilitate the pre-negotiation phase, which was basically focused on bringing both conflicting parties to the negotiation table. According to Dupont and Faure, pre-negotiation phase copes with the obstacles to negotiation as well as hurdles in

³⁵ Lela G. Noble, “Muslim Separatism in the Philippines, 1972-1981: The Making of a Stalemate” in *Asian Survey*, Vol. 21, No. 11 (November, 1981), p. 1099

negotiation.³⁶ The main obstacle to kick off the negotiation was the lack of communication between both sides, because of the mutual distrust. On one hand, the MNLF perceived the GRP as corrupt, unfair and impeding its struggle for self-determination. On the other hand, the GRP perceived the MNLF's movement as a rebellion, thus, it posed a threat to national security and integrity.

The distrust between the two parties was getting even higher following the failure to implement the 1976 Peace Agreement. Given the circumstances, a third party intervention was very important to bridge the communication between the GRP and MNLF, as well as to introduce the way in to the peaceful conflict resolution. In this regard, without the OIC's recognition of the MNLF as well as its pressure to the GRP at the first place, the peace talks between the two conflicting parties might not have begun and the armed conflict would possibly have remained.

Still in the pre-negotiation phase, by introducing the peace talks to both conflicting parties, the OIC also helped reframing the conflict. Through a Joint Communiqué, the Foreign Ministers of the Organization called for "*a political and peaceful solution ... within the framework of the national sovereignty and territorial integrity of the Philippine.*"³⁷ While recognizing the MNLF's struggle earlier, through this Communiqué, the OIC also gave recognition to the Philippines' sovereignty.

By accommodating both sides' aspiration and interests, the OIC was trying to derive the leverage to be the formal mediator. Here the OIC reframed the conflict situation in such a way that peaceful resolution would take place with an already projected solution, i.e. to give autonomous status to the Moro. Along these lines, the option for Moro's independence had clearly been taken away, as the national sovereignty and territorial integrity of the Philippines were explicitly mentioned in the Communiqué. In addition, the reframing of the most feasible solution was also an effort to change both side's stance from a far spectrum to a closer "best alternative to a negotiated agreement" (BATNA) – a term commonly used in mediation study in embodying an "imaginary zone" of potential agreement where the stance of each party meets; the smaller the BATNA is, the closer the negotiating parties to concluding a peace agreement.

The first formal talks between the GRP and MNLF, mediated by the OIC Committee of Four (Libya, Saudi Arabia, Senegal, and Somalia), took place in Jeddah in January 1975.³⁸ The series of subsequent meetings finally resulted in the signing of the Peace Agreement in Tripoli, Libya, on 23 December 1976. The Tripoli Agreement is the first document signed through the peace process. The Agreement basically stipulated the

³⁶ Christophe Dupont and Guy-Olivier Faure, "The Negotiation Process" in A. Victor Kremenyuk (ed.), *International Negotiation: Analysis, Approaches, Issues* (San Francisco, CA: Jossey-Bass, 2002), pg. 43

³⁷ Noble, op.cit.

³⁸ Abhoud Syed M. Lingga (Institute of Bangsamoro Studies), "Role of Third Parties in Mindanao Peace Process", a paper presented on the International Conference on Peace Building in Asia Pacific: The Role of Third Parties, on July 1-3, 2006 in Khon Kaen, Thailand, <http://www.aljazeera.com/Opinion/2006/07/07/ROLE%20OF%20THIRD%20PARTIES%20IN%20MINDANAO%20PEACE%20PROCESS%20By%20Abhoud%20Syed%20M.%20Lingga.htm>, accessed on 27 March 2000 CET

cease-fire arrangements and tentative terms for a peace settlement.³⁹ The Agreement also stipulated autonomy for 13 provinces in Mindanao (Southern Philippines).⁴⁰

However, the Agreement quickly fell short over the details in the implementation. The GRP insisted that a referendum was required to legalize the autonomy status, which was considered unnecessary by the MNLF. Accordingly, the GRP proceeded with the plebiscite and decreed the creation of two autonomous regions, which was then rejected by the MNLF.⁴¹ The failure to implement the Tripoli Agreement was obviously a setback in the peace process. Not surprisingly, it triggered violent conflicts to reoccur. During this period, the internal friction and breakup within the MNLF escalated. As a result, Salamat Hashim, the former Vice Chairman of MNLF decided to separate from Nur Misuari's organization and established the MILF in 1977.

During this phase of mediation, Libya took the lead even though the leadership position was never officially mandated. Libya's *de facto* leadership is evident through the fact that it hosted the signing ceremony of the 1976 Peace Agreement as well as through the active personal role of Muammar Gadhafi, former Leader of Libya. According to a study by S.P. Harish, Libya made threats to do some disadvantageous actions against the GRP if a peace agreement were not concluded immediately.⁴²

In contrast, Libya gave support to the MNLF's armed struggle, albeit the Philippines' sovereignty and territorial integrity had been officially recognized in the Joint Communiqué of the OIC Ministers. Besides the underground supply of weapons and money to support the MNLF's armed struggle, Libya's *de facto* backing for the MNLF was obvious when the country hosted Nur Misuari on his exile in the 1980s.⁴³

Earlier, the GRP's decision to go into peace talks with the MNLF was also taken under the threat of an oil embargo by the OIC member countries, particularly Saudi Arabia. Another factor that pulled the GRP into the negotiation table was, for sure, the positive recognition of its sovereignty by the OIC. Regardless of Libya's actual support to the MNLF, it was obvious that the OIC member states rejected the idea of separatism and would stand for the principles of sovereignty and territorial integrity.

Libya is said to dominate the mediation process and even overshadow the other OIC members.⁴⁴ Furthermore, the use of political threats, inter alia to let the MNLF return to violent conflict if the GRP were not in favor of concluding a peace agreement,

³⁹ Noble, op.cit., pg. 1100

⁴⁰ Ibid.

⁴¹ Bertrand, op.cit., pg. 39

⁴² S.P. Harish, "Towards Better Peace Processes: A Comparative Study of Attempts to Broker Peace with MNLF and GAM", Institute of Defence and Strategic Studies working paper, No. 77 (May 2005), p. 5, <http://www.rsis.edu.sg/publications/WorkingPapers/WP77.pdf>, 25 May 2012, 10:00 p.m.

⁴³ As indicated in the sentence "In 1983, announced from [Nur Misuari's] base in Libya..." see Peter Bacho, "The Muslim Secessionist Movement", *Journal of International Affairs*, Vol. 41, No. 1 (Summer/Fall 1987), p.157

⁴⁴ Harish, op.cit., p. 14

demonstrates Libya's superiority behavior over the negotiating parties.⁴⁵ It also derived the standing from the OIC's high leverage at that particular time. However, Libya's 'over-directive' strategy as well as its support to the MNLF made itself and the overall mediation process lost credibility shortly. As a result, the OIC Committee of Four failed to keep the GRP and MNLF in the negotiation table upon the difference of agreement interpretation by each side.

A high leverage is useful for putting pressure on the conflicting parties to negotiate when they are actually unwilling to. In this manner, the OIC's high leverage over both GRP and MNLF in that particular time was vital for the peace talks to take hold. However, exerting too much pressure, at the same time, would create distrust on the mediator, especially from the negotiating party that feels treated unfairly. Apparently, the high leverage of the OIC at the beginning of mediation did not make the 1976 Peace Agreement last long enough. Hypothetically, if Libya and other OIC members could have maintained their standing, they would have been able to resume peace talks at any point when disagreement between the GRP and MNLF took place.

II.2. The 1996 Peace Agreement and the Road to Full Implementation

Apart from the immediate recurrence of armed conflict and the return of MNLF to its original demand to separate from the Philippines, the breakdown of the 1976 Tripoli Agreement gave a way for the OIC to come with revised initiatives. However, it took quite a while until the OIC brokered the GRP-MNLF peace talks once again. It was most probably because the OIC had learned from its past experience that mediating with force, as done by Libya, would bring more harm than good. So, the OIC waited for the well-timed momentum to restart its mediation efforts.

Eventually, the toppling down of President Ferdinand Marcos in 1985 gave the momentum for the peace talks to resume, as the MNLF might put a better hope on the new regime. A political goodwill was shown by Marcos' successor, President Corazon Aquino, inter alia through the proposal for the creation of an "Autonomous Region for Muslim Mindanao" (ARMM),⁴⁶ upon which a plebiscite was held in 1989. In addition, the MNLF's power had also been rapidly declining, especially during the early 1980s.⁴⁷ The high escalation of conflict during 1977-1983 exhausted both GRP and MNLF, also leading them to sign a ceasefire agreement on 5 September 1986.⁴⁸

It was very timely for the OIC to step back in the peace process. Taken as a whole, the favorable circumstances gave confidence to both parties that peace talks were the most

⁴⁵ Ibid.

⁴⁶ The legal basis for the creation of ARMM is the Organic Act for the ARMM (Republic Act No. 6734 of 1988)

⁴⁷ See further, Ivan Molloy, "The Decline of the Moro National Liberation Front in the Southern Philippines", *Journal of Contemporary Asia*, Vol. 18, No. 1 (1988)

⁴⁸ For a brief chronology of the conflict escalation during the abovementioned period, see, for instance, <http://uca.edu/politicalscience/dadm-project/asiapacific-region/philippinesmoro-national-liberation-front-1968-present/>, accessed on 20 May 2012, 08:00 p.m.

desirable solution to their conflict. This momentum was tactfully employed by the OIC to facilitate meetings between the GRP and MNLF. The signing of the Jeddah Accord on 3 January 1987 marked the MNLF's shift back to the option of autonomy. In fact, an MNLF official ever mentioned that they actually did not want autonomy. Instead, they were “*pressured thrice by the OIC to talk with the Government.*”⁴⁹

The Accord paved the way to the new phase of mediation process by the OIC Committee of Six. The new Committee was actually an expansion from the previous Committee of Four, with two additional member countries, i.e. Bangladesh and Indonesia. This time, Indonesia was officially appointed the chair of the Committee – for further reference in this thesis, those who chair or lead the mediation platform are simply addressed the “chief mediator”.

There are some systemic changes in the Philippines in the late 1980s that provided a good momentum for the fruitful talks, as elaborated earlier. However, those factors coalesced together could have been useless if there were no mediator to bring the parties back on the negotiation table. Theoretically, the mediator's role is important to strategically capitalize on the ripeness of the conflict. The return of the MNLF to the negotiation, for instance, was not only owing to its weakening power, but also to the pressure put by the OIC.⁵⁰

The Committee of Six mediated the peace talks that eventually led to the conclusion of the 1996 FPA. Prior to the signing of the 1996 FPA, there were four rounds of formal peace talks held from October 1993 until August 1996 as well as nine informal meetings.⁵¹ It means that in average, four meetings were organized every year, which portrays intensive communication not only between the negotiating parties but also between them and the mediator. Such an intensive sequence of meetings helped the peace talks to maintain the favorable momentum, because any possible change in the circumstances might influence the stance of each negotiating parties.

The Agreement signed on 2 September 1996 initially created the Southern Philippine Council for Peace and Development (SPCPD) as provisional autonomous government in ARMM, which covers 13 provinces agreed under the 1976 Peace Agreement.⁵² The further implementation of the FPA is split into two phases, i.e. phase (1) establishing of SPCPD, the Special Zone of Peace and Development (SZOPAD), and the Consultative Assembly; and phase (2) organizing plebiscite to determine the establishment of a new autonomous government in the Southern Philippines.⁵³

The 1996 Final Peace Agreement is the most fundamental formal documents in the GRP-MNLF peace process, as it is the reference for the ongoing peace talks, which is more

⁴⁹ Nasser A. Marohomsalic, *Aristocrats of the Malay Race; A History of the Bangsa Moro in the Philippines* (Quezon City: 2001), p. 296

⁵⁰ Bertrand, *op.cit.*, pg. 38

⁵¹ 1996 Final Agreement

⁵² Carolina G. Hernandez, “The Philippines in 1996: A House Finally in Order?” in *Asian Survey*, Vol. 37, No. 2, A Survey of Asia in 1996: Part II (February 1997), pg. 205

⁵³ See, further, the 1996 Final Peace Agreement

technical in details. For instance, one of the latest important developments in the GRP-MNLF peace process is the signing of the MoU on Legal Panel in April 2010, also brokered by Indonesia.⁵⁴ It did not only terminate the armed conflict between the GRP and MNLF determinatively, but also helped encourage the commencement of the GRP-MILF peace talks. As said by Blas F. Ople, former Foreign Secretary of the Philippines, *"The settlement sets precedents that hopefully will inspire the last remaining separatist movement in Mindanao, the MILF, to follow in the path of peace."*⁵⁵

The most distinct character between the 1996 and 1976 Peace Agreement is that the former has proven its sustainability up until today. The current peace talks focuses on the implementation of the Final Agreement, which is very practical in nature. The breakdown of the 1976 Peace Agreement demonstrates how the failure to deal with the technical implementation of the Agreement would lead to the failure of the whole agreement and would hinder the whole peace process.

II.3. The Mediator Behavior: the OIC's standing and Close Coordination

This thesis holds the argument that the conclusion of the 1996 FPA and its success in providing the ground for the long-term solution to the GRP-MNLF conflict are owing to the mediator behavior, among other reasons. At the beginning, the OIC exerted its leverage – also making use of the MNLF's weakening power – to make the MNLF shift back to the option of autonomy. This, in turn, would also make the GRP more willing to resume the mediated peace talks.

A downside to the OIC's standing vis-à-vis the GRP is the fact that only the MNLF has been accepted as an observer to the Organization. The GRP's proposal to become an observer country to the OIC has not yet been positively responded, mainly due to the strong resistance from some member countries, i.e. Arab Saudi and Libya. Fortunately, this evident "partiality" had not brought any significant harm to the peace process.

Also, looking back to the first phase of mediation by the Committee of Four, the OIC actually lacked leverage over the GRP, but the power of its members helped boost it up. The OIC gained its leverage from the influential member countries, namely Libya and Saudi Arabia that had a control over the Philippines oil supply.⁵⁶ On the other hand, the OIC has a relatively bigger leverage vis-à-vis the MNLF, because it was due to the OIC's recognition and support that the MNLF could gain its international leverage and be "accepted" as a negotiating party by the GRP.

In fact, the OIC had been increasing its standing over time, through its good office in the GRP-MNLF peace process. The continuity of the mediation by the OIC Committee even

⁵⁴ Indonesian Foreign Ministry website, <http://www.kemlu.go.id/Pages/IssueDisplay.aspx?IDP=26&l=en>

⁵⁵ "Success of MNLF accord lauded; Islamic nation's foreign ministers applaud agreement; OIC summit opens today", http://findarticles.com/p/news-articles/manila-bulletin/mi_7968/is_2003_Oct_15/success-mnlf-accord-lauded-islamic/ai_n33570841/?tag=content:coll, 28 May 2012, 1:00 p.m.

⁵⁶ Noble, op.cit., pg. 1099

until today demonstrates its good standing vis-à-vis the negotiating parties.⁵⁷ More concretely, over the three years period of mediation (1993-1996) the OIC Committee of Six had been building its standing through intensive formal and informal communications with the negotiating parties.

The convening of nine informal meetings prior to the conclusion of 1996 FPA shows that informal diplomacy was quite a significant strategy employed by the OIC Committee of Six. Indonesia also gave a special meaning to and highly valued the informality of the meetings. According to the former Foreign Minister of Indonesia who was also representing Indonesia as the chief mediator, Ali Alatas, informal meetings were very important to test if negotiation was really desired by both negotiating parties as well as to check the level of acceptance of Indonesia as the chief mediator by the parties.⁵⁸

Having an estimation of its level of acceptance helps a mediator to decide upon the best strategy option, whether it is the facilitation, procedural or directive one. Putting it in this context, the OIC had clearly used a directive strategy at the earliest stage, to push both parties back into the negotiation. A directive strategy was the best option to make the MNLF accept the option of autonomy, otherwise, the negotiation could have not been started.

Additionally, informal meetings also help increase the leverage, because frequent informal contacts would gradually grow the trust of the negotiating parties on the mediator. It is said by one of Indonesia's Foreign Ministry officials that the informal meetings organized by Indonesia were somewhat different from those by Libya.⁵⁹ Unlike Libya, Indonesia did not use a directive strategy and took a more friendly approach instead. This kind of mediator behavior is beneficial for long-term working relationship.

During the peace talks, the OIC, particularly Indonesia as the chief mediator, had applied the procedural strategy. In this case, it encouraged both sides to prepare negotiable position and practical proposal, as well as taking initiative in organizing the necessary preceding meetings. The application of procedural strategy is apparent in the way Indonesia had arranged the meetings. In this case, Indonesia had been able to restructure the negotiation into three layers, i.e. (1) formal negotiations at the level of leaders, (2) consultations at the level of senior officials, and (3) seminars to disseminate information to the public.⁶⁰ This structure, according to the Indonesian chief mediator at that time, Sastrohandoyo, was the most suitable approach in handling such a delicate conflict.⁶¹

⁵⁷ Currently, the GRP-MNLF peace talks are mediated by the OIC Peace Committee for the Southern Philippines (OIC-PCSP). The main purpose of the Committee is to ensure the full implementation of the 1996 Peace Agreement towards the creation of peace in the Southern Philippines. The OIC-PCSP has 12 member countries, namely Bangladesh, Brunei Darussalam, Egypt, Indonesia, Libya, Malaysia, Saudi Arabia, Senegal, Somalia and Turkey, as well as two ex-officio members consisting of the host countries for the Summit and Foreign Ministers Council meeting. Indonesia has been appointed the Chair since 2007

⁵⁸ Teuku Faizasyah (currently the Speaker for the President of Indonesia), "Indonesia's Experience in Facilitating Peace Process", *The Indonesian Quarterly*, Vol. XXXI, No. 3, 2003, pp. 352-353

⁵⁹ *Ibid.*, p. 353

⁶⁰ *Ibid.*

⁶¹ *Ibid.*, p. 354

Indonesia's active mediation role in the roads toward the 1996 Final Peace Agreement is clear as it hosted the four rounds of Formal Peace Talks, which each round resulted in the signing of a formal document.⁶² Indonesia also hosted several meetings of the Mixed Committee and the Support Committees in preparation for the Final Agreement. As the mediator, Indonesia had to keep the pace and sequence of the preparatory meetings and the rounds of Formal Talks in order to have enough time in formulating the most acceptable proposal for both sides, but at the same time, not to lose the momentum.

Indonesia had been gaining its leverage as the chief mediator from all involving parties. Formally, it holds the mandate from the OIC as the Chair of the Committee of Six. As elaborated earlier, a mediator standing can derive from the organization with which the mediator is affiliated as well as contributes to the effectiveness of the mediation.⁶³

In the eye of the GRP, Indonesia is not only a neighbor country, but also a good fellow since both countries are the members as well as the founding fathers of the Association of Southeast Asian Nations (ASEAN). In addition, having a Government mediator, and not a non-state actor instead, makes the mediation process more trustable and reliable for the GRP. While for the MNLF, Indonesia might be seen as a bias mediator due to its relations with the GRP. However, Indonesia also benefits from its image of a Muslim-populated country.

Procedural strategy that was applied in the GRP-MNLF peace talks had enabled Indonesia to exert a more formal control over the process and environment of the mediation; to determine structural aspects of the meetings, [...] and the situation powers of the parties' resources and communication processes; but little or no control over other aspects. This is similar to the so-called formulation style, in which the "formulator" may play a more active role, such as: asking the parties to brainstorm, suggesting that issues be either disaggregated or linked together, inventing new solutions and so forth.⁶⁴

In this manner, Indonesia played a bigger role than a channel of communication among disputing parties, but on the other hand, it did not have adequate resources to play carrot-and-stick. What is also important is that Indonesia had maintained the level of comfort between the two parties through a mediation style that is not too forceful on either side but accommodating both aspirations as well as is rich with initiatives. By applying this strategy, it tries to maintain its leverage by keeping the trust from both parties.

There is an opinion that the GRP-MNLF peace process had actually been severely weakened by the end of 1998 for some reasons.⁶⁵ In spite of that situation, the peace talks between the GRP and MNLF has been enduring ever since. Regardless of the challenges, both negotiating parties had stayed in the negotiation, unlike in the previous phase when

⁶² As stated on the 1996 Final Peace Agreement. For a brief preview on the Indonesian Government's perspective on its role in the GRP – MNLF peace process, see the website of the Indonesian Foreign Ministry, <http://www.deplu.go.id/Pages/IssueDisplay.aspx?IDP=26&l=id>

⁶³ Pruitt, op.cit., p. 51

⁶⁴ Quinn, et.al., "Power Play; Mediation in Symmetric and Asymmetric International Crises" in Bercovitch and Gartner, op.cit., pg. 189

⁶⁵ Bertrand, op.cit., p. 37

MNLF walked out from the peace talks due to disagreement with the GRP. It proves that both parties had seen the OIC Committee of Six had provided the best possible platform for them to settle the conflict, they would not look at any other possibilities.

The peace talks between the GRP and MNLF is still ongoing until today, which deal with the “leftover” technical issues.. The process has brought up significant progress as both sides’ BATNAs have moved closer over time. What is also important is that it helps maintain the stable peace in the Southern Philippines.⁶⁶ The relationship between the GRP and MNLF has become less fragile than it used to be, due to the continuous meetings and contacts facilitated by the OIC.

⁶⁶ According to Lund, stable peace is marked with a wary communication and limited cooperation; disputes are generally worked out in nonviolent ways; in domestic level, it involves national political compacts among competing political factions. For more, see Michael Lund, *Preventing Violent Conflicts: A Strategy for Preventive Diplomacy* (Washington D.C.: US Institute of Peace Press, 1996), pg. 38 – 39

CHAPTER III

Protracted GRP – MILF Talks: Multiparty Mediation by Malaysia and the ICG

MILF's was officially established in 1984.⁶⁷ Before, it had been the "MNLF new leadership" formed by Salamat Hashim who decided to separate from the MNLF in 1978.⁶⁸ While the MNLF is more nationalist in pursuing a separation of Moro from the Philippines, MILF is more Islamic-oriented. Thus, MILF required that Muslims of the Southern Philippines live a fully Islamic way of life based on the *shari'a* (Islamic law).⁶⁹

This chapter elaborates the ongoing peace talks between the GRP and MILF, with reference to the mediator standing. The main argument in this thesis is that due to the relatively low standing of the mediators, their option of strategy is limited only to communication-facilitation, as explained in the chapter one. As a result, Malaysia and the International Contact Group (ICG) do not have adequate influence over both negotiating parties to push them to conclude a peace agreement in a short time.

For that purpose, this chapter is composed largely by examining the developments of the peace talks so far, including documents signed by both sides, as well as statements by officials from the negotiating parties and mediator. I consider this process-tracing method fit because the case is still developing and much information pertaining to the peace talks are shared to public audience by both negotiating parties through mass media and their official websites.

III.1. The Failure of the GRP-MILF Negotiation

The formal negotiation between the GRP and MILF began as soon as the former concluded the FPA with the MNLF in 1996. As already mentioned in the previous chapter, the FPA had truly inspired the GRP to pursue peaceful settlement in the Southern Philippines with the other Muslim secessionist group, MILF. Obviously, the GRP wished to make the autonomy arrangement in the FPA a model for the future settlement with the MILF.⁷⁰ However, the MILF was not even satisfied with the option of autonomy because the original position of the MILF to establish an independent Islamic state separate from the Philippines had remained firm.

For some initial years, the negotiation had taken place without any third party's mediation. During this phase, both parties had managed to have exploratory talks and formal talks, resulting in the signing of the Agreement for the General Cessation of

⁶⁷ Thomas M. McKenna, *Muslim Rulers and Rebels* (California: University of California Press, 1998), p. 207

⁶⁸ Moshe Yegar, *Between Integration and Secession; the Muslim Communities of the Southern Philippines, Southern Thailand and Western Burma/Myanmar* (Maryland: Lexington Books, 2002), p. 342

⁶⁹ *Ibid.*, p. 343

⁷⁰ The experience and lessons learned from the MNLF talks is amongst the five parameters set by the GRP to guide the conduct of negotiations with the MILF. See, the official website of OPAPP, <http://www.opapp.gov.ph/milf/stand-gph-panel-negotiations-milf>, 9 June 2012, 3.00 a.m.

Hostilities in July 1997 as well as a number of similar agreements and joint statements on ceasefire in 1999. Other than this Agreement, there was no substantial development in the peace talks, in terms of getting both parties BATNAs closer. The negotiation fell short as the former President Joseph Estrada launched an “all-out-war” against the MILF in April 2000, which turned out to seize most of the MILF’s fixed camps. The MILF responded with declaring an ‘indefinite suspension’ of the negotiation with the GRP.⁷¹

The absence of mediator at the early phase of the GRP – MILF peace talks was somehow peculiar, because in the situation of distrust, the standing of a mediator is needed to help both sides start the communication and proceed further with negotiation. MILF, whose struggle is said to be more radical and stance more rigid than the MNLF, did not completely call off the negotiation option. Negotiation might have been used as a “buying time” tactic while the MILF forces organize themselves and prepare for the next battles. This is also supported by the fact that the MILF had strengthened its weaponry and the presence of its troops, with estimated strength of up to 12,000 forces concentrated in Central Mindanao.⁷²

.....

Likewise, it might also be used by the GRP to explore more information about the posture of the MILF forces on the ground. It was necessary for the GRP because in this period, the MILF’s guerilla struggle had become more mobile and hidden than before.⁷³ In the speech he made later on in 2008, the former President Joseph Estrada underlined that the MILF never kept its word and ‘only use[d] ceasefires to regroup and strengthen their forces’.⁷⁴ As things turned out shortly, both parties failed to sustain the peace talks and restrain themselves from escalating the hostilities.

Even so, I would argue that the wish for peace was, to certain extent, also a motivation for both sides in doing the negotiation. Theoretically, the decision to go into a negotiation will not be taken at the first place if the parties do not see any potential to reach an agreement at all or, more specifically, to make their BATNAs closer. Thus, in this case, both the GRP and MILF might also wish for a potential point (or points) of agreement out of the peace talks. In the period of the negotiation, the MILF Spokesperson, Eid Kabalu stated that the MILF “...do not discount the possibility of a reconciliation...” with the GRP, although the option of autonomy was not acceptable either.⁷⁵

⁷¹ “MILF rebs suspend peace negotiations”, *Philippine Daily Inquirer*, 1 May 2000

⁷² Soliman M. Santos, Jr., “Delays in the Peace Negotiations between the Philippine Government and the Moro Islamic Liberation Front: Causes and Prescriptions”, East-West Center Working Papers No. 3 (January 2005), p. 6

⁷³ Ibid.

⁷⁴ Speech by the former President of the Republic of the Philippines, Joseph Estrada at the UP-HDN Forum on the GRP – Moro conflict, Quezon City, the Philippines, 18 September 2008. The text is available at <http://hdn.org.ph/speech-of-former-president-estrada-on-the-grp-moro-conflict/>, 10 June 2012 2.00 a.m.

⁷⁵ “MILF to consider offer of autonomy”, *Philippine Daily Inquirer* newspaper, 2 June 2000, scanned version is available online at <http://news.google.com/newspapers?nid=83UE6yvegO4C&dat=20000602&printsec=frontpage>, 6 June 2012, 4:00

After a series of talks in the long run, the behavior of the negotiating parties may undergo some changes, and one party may adapt to the position of the other. In view of that, the role of a mediator could be very important in influencing the parties to modify their positions. In my opinion, the “all-out-war” could have not occurred if a mediator with an adequate standing had been present in the peace talks. In that case, the mediator could have been able to exert its influence over each party to convince them to remain in the negotiation. In the absence of a mediator, especially the one with a high standing, the distrust between negotiating parties is more difficult to manage. Therefore, hostilities may erupt quickly and make the distrust between parties even higher than ever.

III.2. The State of Art

III.2.1. The Beginning of Malaysia’s Involvement as the Third-Party

Malaysia began to mediate the peace talks between GRP and MILF in 2001.⁷⁶ It was the first time in the GRP – MILF peace talks that a third-party was present to mediate. The former President of the Philippines Gloria Macapagal-Arroyo initiated to invite Malaysian government at the first place, which was also agreed by the MILF. Since then, the GRP – MILF talks entered into ‘substantive discussions’.⁷⁷

As of May 2012, the GRP and MILF have met in 28 formal exploratory talks. The latest one was held on 28-30 May 2012 in Kuala Lumpur, Malaysia. Previously, at the 27th exploratory talks, both parties agreed upon the Ten Decision Points on Principles as of April 2012, which *inter alia* underlines the parties’ agreement on creating a new ‘autonomous entity’ replacing the currently existing ARMM with a ministerial form of government, as well as on power- and wealth-sharing between the National Government (GRP) and the new autonomous entity.⁷⁸

Until today, the 1996 FPA is considered by the MILF inadequate to solve the Southern Philippine issue because of “*its failure to reify roots in Islamic ‘treaty devise’ and constitutionally to evolve an autonomous polity on that foundation...*”⁷⁹ From this statement by the MILF, however, it is clear that they are no longer pursuing a full independence from the Philippines. The emphasis of the MILF’s position now is on evolving an autonomous polity, which is apparently quite distinct from the ARMM.

⁷⁶ “Malaysian ex-security official to broker PH-MILF peace talks”, <http://www.abs-cbnnews.com/nation/04/27/11/malaysian-ex-security-official-broker-ph-milf-peace-talks>, 3 May 2012, 9:00 p.m.

⁷⁷ Highlights of the GPH-MILF Peace Negotiations, <http://www.opapp.gov.ph/milf/highlights-gph-milf-peace-negotiations>, 9 June 2012, 3.30 a.m.

⁷⁸ GPH – MILF Decision Points as of April 2012, text available at the official website of OPAPP, <http://opapp.gov.ph/sites/default/files/10%20Decision%20Points.pdf>

⁷⁹ Introduction to the MILF’s organization and struggle at http://www.luwaran.com/home/index.php?option=com_content&view=section&layout=blog&id=15&Itemid=544, 3 May 2012, 9.20 p.m. This is said to be the leading official website of the Moro Islamic Liberation Front (MILF), organized by the MILF Committee on Information. It has a mirror website, i.e. www.luwaran.net that displays similar content. Literally, “Luwaran” means an embodiment of Islamic customary laws coming from the Prophet’s sayings; it can also refer to the Maguindanao code that was recognized when Islam came to the Southern Philippines in the 14th century.

The MILF's refusal to the existing form of autonomy granted to ARMM is primarily based on three reasons, namely (1) the MILF demands more autonomous power, for instance, in legal system, (2) the current ARMM does not cover the whole area they consider as their "ancestral domain"⁸⁰ and (3) the past plebiscite to determine whether or not a province would join the ARMM was not exclusive for the Bangsamoro people only, giving an explanation for the low number of Southern Philippines provinces joining the ARMM in the end.

At the moment, the MILF's position as indicated in public is to create an association, which is highly autonomous but not fully independent from the Philippines.⁸¹ For that purpose, the MILF wishes that the ongoing talks with the GRP would produce a "comprehensive compact", which basically was highlighted in the annulled Memorandum of Agreement on the Ancestral Domain (MOA-AD).⁸²

To some people, the MILF version of comprehensive compact means creating a sub-state, which is also against the Philippine Constitution. In fact, the MILF Chairman Murad Ebrahim says in a press conference that his Front is now demanding a sub-state with its own court system.⁸³ On the contrary, the GRP strictly holds onto literal interpretation; it will not be a sub-state if the word is not mentioned in any record or agreement.

Clearly, there is still a gap between both sides' interpretations on the expected outcome of their negotiation. Even after reaching the ten consensus points in the end of April 2012, the MILF still considers that both parties remain far from concluding a peace agreement.⁸⁴ This thesis is of the view that both parties are aware of this discrepancy, thus, they have not yet defined a precise term for the 'new autonomous entity' to be created. This is a common situation in negotiations where the parties, and also possibly the mediator, maintain ambiguity in order to keep the negotiation go on. An exposed divergence, in contrast, could risk the parties' withdrawal from the negotiation.

Also, the MILF Chairman's press statement regarding a sub-state gives an indication of miscommunication amongst the MILF officials, i.e. between the Chairman and the negotiating team. Even though ambiguity may sometimes be useful, such a situation

⁸⁰ The "ancestral domain" of the Bangsamoro, according to the MILF, should cover the area belong to Moro sultanates before the Spanish occupation back in the 15th century. In the MOA-AD, the Bangsamoro homeland embraces all the Mindanao – Sulu – Palawan in the Southern Philippines.

⁸¹ http://www.luwaran.com/home/index.php?option=com_content&view=section&layout=blog&id=15&Itemid=544, log.cit.

⁸² Memorandum of Agreement on the Ancestral Domain (MOA-AD) was initialed by the GRP and MILF negotiating panels on 27 July 2008 and was scheduled to be signed on 5 August 2008 in Kuala Lumpur, Malaysia. For the text of MOA-AD, for instance, see http://pcij.org/blog/wp-docs/GRP_MILF_MOA_on_Ancestral_Domain.pdf, 4 June 2012, 10.00 p.m.

⁸³ "In Southern Philippines Insurgency, Locals Are No Strangers to Deadlocked Talks", VOA online, <http://www.voanews.com/content/article--in-southern-philippines-insurgency-locals-are-no-strangers-to-deadlocked-talks--129723743/167982.html>, 4 June 2012 9.50 p.m.

⁸⁴ The Chairman of MILF Negotiating Panel, Mohagher Iqbal said that the GRP and MILF are still "worlds apart" in reaching a final agreement. For instance, see "Philippines, Muslim Rebels Move Closer to Peace Deal", <http://www.thejakartaglobe.com/international/philippines-muslim-rebels-move-closer-to-peace-deal/516756>, 4 June 2012, 9.40 p.m.

should not persist too long. The longer the ambiguity is maintained, the lengthier the negotiation will be. To avoid such an event, A mediator should help make it clear between both parties. In this case, Malaysia should ask both parties to clarify their understanding on the results achieved so far as well as on the projected outcomes of the overall peace talks.

To sum up, even though both parties have not yet come close to a similar position, their BATNAs have somewhat been closer than they were at the beginning of the mediation process more than a decade ago. Over the years, the mediation has helped transform the parties' position. The transformation of MILF's position is substantial, as it has dropped its original demand for independence. In return, the GRP gave in a number of minor things to accommodate MILF's request, such as the establishment of Bangsamoro Leadership and Management Institute (BLMI)⁸⁵ for capacity building and the addition of new mediator team, i.e. the ICG, making the GRP – MILF peace talks a multiparty mediation ever since.

III.2.2. The Failure of MOA-AD and the Formation of the ICG

The drafting of the MOA-AD in 2008 seemed to be the path toward a peace agreement between the GRP and MILF. However, the initialed draft was failed to be signed due to the Philippine Supreme Court's decision that the MOA-AD was against the Philippine Constitution in August that year.⁸⁶ The failure to sign the MOA-AD led to the break out of armed conflict between the two parties. Only in February 2009, both parties resumed the talks with the facilitation of Malaysia.

Following the breakdown of the MOA-AD, the MILF stated the need for an "*international guarantee from states or association of nations*" (meaning, multiparty mediation) as one of the conditions for the resumption of the talks with the GRP.⁸⁷ As will be explained in the following section of this chapter, the motivation of the MILF to initiate the idea of adding more mediators is not only to overcome the trauma of the failed MOA-AD – as claimed in the media, but also, and more concretely, to rise the leverage of the mediator over the GRP.

The ICG officially became the mediator in the peace talks between GRP and MILF in September 2009, after the signing of the Framework Agreement on the Formation of the International Contact Group. The ICG consists of four member states, i.e. Japan, Saudi Arabia, Turkey, and United Kingdom, as well as four NGOs, i.e. Centre for Humanitarian Dialogue, The Asia Foundation, Conciliation Resources, and Muhammadiyah (Indonesian religious group).

⁸⁵ "OPAPP: Building blocks for peace in place", the Official Gazette of the Republic of the Philippines, <http://www.gov.ph/2012/06/06/opapp-building-blocks-for-peace-in-place/>, 4 May 2012, 10.49 p.m.

⁸⁶ The decision was issued on 5 August 2008, the day when the MOA-AD was to be signed. But the official declaration was only issued later in October 2008. For further on the Court's decision, see the official website <http://sc.judiciary.gov.ph/publications/benchmark/2008/10/100811.php>

⁸⁷ Claudia Hoffman, "Peace Negotiations in the Philippines: The Government, the MILF and International NGOs", United States Institute of Peace (USIP) Peace Brief No. 91, 28 April 2011, p. 1

The mandate of the ICG, as published on the official website of the OPAPP is primarily to exert the “necessary” leverage and assistance towards sustaining the trust and confidence of both sides in the negotiation.⁸⁸ The wording of this mandate has the emphasis on the words “necessary” as well as on the straightforward and specific role it has to play, namely to help sustain the trust and confidence. Such a formulation indicates the low standing of the ICG and, therefore, the limited room for strategy maneuver. The mandate strictly fits the communication-facilitation strategy of mediation, which mainly deals with helping negotiating parties maintain their communications.

As an ad-hoc mediator, the ICG may attend and observe the negotiations, visit and advise the negotiating parties (potentially with the assistance of recognized experts), and meet with the negotiating parties upon request to resolve outstanding issues.⁸⁹ ICG is projected to complement and support the work of Malaysia as the chief mediator. The consultation of the ICG is coordinated through the Malaysian ‘facilitator’.⁹⁰

III.3. Analysis of the Mediator’s Standing

In the real context, Malaysia is called a ‘facilitator’, which actually insinuates its standing in the GRP – MILF peace talks. The ‘facilitator’ status makes it even clearer that Malaysia is tasked only to ‘facilitate’ the talks and, therefore, has a limited mandate and power over the negotiating parties. Despite that, for the sake of consistency, this thesis will maintain the usage of the terms ‘mediator’ and ‘chief-mediator’.

A scholar argues that the distrust between the GRP and MILF has remained high due to the deep social, cultural and religious differences between the peoples they represent, i.e. the Christian Filipino and Bangsamoro people.⁹¹ In this regard, the decision to invite Malaysia as a mediator is apt, at least, for two reasons. The first is that Malaysia, as a Muslim-populated country with an evident Islamic culture, would likely gain confidence from the MILF. Having the similar religious and cultural background, Malaysia can establish rapport with the MILF more easily, for instance compared to a Christian-dominated country. The second reason is that Malaysia, hosting many non-Muslim citizens, depicts an example that Islam can coexist peacefully with other religions.

Besides those incentives, the Malaysian state of Sabah has deep-rooted historical ties with Sulu of the Philippines. Sabah was once a part of the Sultanate of Sulu back in the 18th century, after the Sultan of Brunei ceded the North Borneo to Sulu.⁹² The centuries-old ties between Sabah and Sulu are evident through the fact that the inhabitants of both areas share the similar racial stock, customs and traditions.⁹³ This close connection explains why Sabah had been the main destination of the Mindanao exiles, besides the

⁸⁸ “Highlights of the GPH-MILF Peace Negotiations”, <http://www.opapp.gov.ph/milf/highlights-gph-milf-peace-negotiations>, 4 May 2012, 10.45 p.m.

⁸⁹ Hoffman, op.cit. p. 2

⁹⁰ Hoffman, op.cit. p. 2

⁹¹ Santos, Jr., op.cit., p. 10

⁹² Paridah Abd. Samad and Darusalam Abu Bakar, “Malaysia-Philippines Relations: The Issue of Sabah”, *Asian Survey*, Vol. 32, No. 6 (June 1992), p. 556

⁹³ Ibid.

reason of geographical proximity. Only during the period of 1971-1976 when the conflict in the Southern Philippines firstly erupted, approximately 300,000 refugees went to Sabah region in Malaysia.⁹⁴

Such a massive flow of people had largely drawn the attention of the Malaysian government. Considering that the continued Southern Philippines conflict could impact on its domestic stability, Malaysia certainly has an interest in terminating the armed conflict in a peaceful manner.

Meanwhile, for the GRP, Malaysia is a long-standing regional partner. Furthermore, the aforementioned Malaysia's potential leverage over the MILF is actually advantageous for the GRP, since having a mediator that is somewhat trustable to the MILF helps maintain the MILF's commitment to stay in the negotiation. Nonetheless, the Philippines – Malaysia relations got irritated by the Philippines' claim over Sabah area, which was officially filed in June 1962.⁹⁵ The claim was eventually dropped by the Philippines in 1976,⁹⁶ and since then, it is no longer a government-to-government dispute.

However, just recently, the debate over the rightful descendant of the Sultanate of Sulu came up again in Sabah. Finally, in February 2011, a local Sabahan was designated the Sultan of Sulu, witnessed by representatives from the Southern Philippine Tausug communities of Tawi-Tawi, Palawan and Sulu.⁹⁷ This event is said by a scholar to be a symbol of relinquishment of Sulu's claim over Sabah, of which the rationale is that since the 1970s Malaysian government has been quite receptive to Sulu refugees.⁹⁸

In line with this argument, I also think that this is a gesture of friendship and closeness between the peoples of Sabah and Sulu. It is, yet, unclear whether or not the event helps increase Malaysia's standing as a mediator between the GRP and MILF, since the connection of those aforementioned Bangsamoro people with the MILF is unidentified. However, since Tausug community in general is more associated with the MNLF, I presume that the event does not favor Malaysia's standing vis-à-vis MILF. Instead, it could negatively affect Malaysia's standing vis-à-vis the GRP if the event was not clarified by the Malaysian government.

Malaysia's standing is also limited by its lack of resources to provide the negotiating parties with 'carrot' (i.e. material advantages). The best potential for increasing Malaysia's standing is its leadership in the International Monitoring Team (IMT), a joint

⁹⁴ Cesar Villanueva and George Aguilar, "The Reintegration of the Moro National Liberation Front in Mindanao; Mini Case Study", <http://www.ddr-humansecurity.org.uk/images/DDR%20Mini%20Case%20Study%20MNLF%20ARMM%20Philippines.pdf>, 3 May 2012, 08:30 p.m.

⁹⁵ Ibid., p. 555

⁹⁶ Ibid., p. 557

⁹⁷ The designation gained critics from local politicians and former officials of the state of Sabah. For further details, see, Farish A. Noor, "A New 'Sultan' of Sulu in Malaysia: Implications for Politics and Bilateral Ties", S. Rajaratnam School of International Studies (RSIS) Commentaries, No. 20/2011 (14 February 2011), p. 1

⁹⁸ Ibid.

military and civil grouping to monitor the implementation of practical aspects of the GRP – MILF peace talks on the ground.⁹⁹ Malaysia also supplies the largest contingent of troops.¹⁰⁰ However, the role of Malaysia in other issues, for instance, in the development or reconstruction of Mindanao remains minor.

Thus, the creation of the ICG could fill the loopholes. Although ICG is an ad-hoc element of the mediation, it has more potential of leverage over the negotiating parties, due the capacity of its members. Japan, the largest donor to the Philippines, has been providing ODA to Mindanao since early 1989.¹⁰¹ As desired by the MILF, having more mediators joined the GRP – MILF peace talks would increase the mediator's leverage over the GRP.

Besides Japan, the other ICG members have their own potential of leverage; i.e. Saudi Arabia is also a member of the OIC, which is wanted by the MILF; United Kingdom is a member of the European Union and has the experience of managing four countries with different legal system within its territory; while Turkey is a picture of moderate Muslim country. All in all, the member states have their own share to contribute.

The involvement of civil society organizations in the ICG can help improve the delicate GRP – MILF relations. Over time, the hostilities between both parties had broken out repeatedly. To mention the highlight of the armed conflict occurred during the peace talks period, there was the “all-out-war” following the breakdown of the first negotiation phase in 2000, “Buliok offensive” in 2003 to capture the former MILF Chairman Salamat Hashim,¹⁰² the one following the cancelled signing of the MOA-AD in 2008, as well as the most recent armed attacks in October 2011.¹⁰³

On one hand, the ICG can help increase the mediator standing in general, but on the other hand, it does not make a substantial change because the mandate given by the parties to the ICG is clear, i.e. only limited to the communication-facilitation strategy of mediation. In addition, the ICG's leverage is unlikely to help boost Malaysia's standing as the chief mediator. In fact, there is a tendency that Malaysia feels uneasy to its position vis-à-vis

⁹⁹ IMT was firstly established in 2004, after the signing of the agreement of the cessation of hostilities in 2003. Following the armed fighting between the GRP and MILF in 2008, Malaysia withdrew its troops and the IMT suspended its activities. In 2009, the IMT resumed functioning and its mandate was extended with a civilian protection component. Originally composed of members from Malaysia, Brunei Darussalam and Libya, today the IMT has expanded its membership to Japan, Norway, Indonesia and the European Union. For further on its mandate, see, Santos, Jr., p. 16

¹⁰⁰ Lam Peng Er, “Japan's Peace-Building in Mindanao: Partnering Malaysia, the Philippines and the Moro Islamic Liberation Front”, *Japanese Studies*, Vol. 28, No. 1 (May 2008), p. 53

¹⁰¹ *Ibid.*, p. 51

¹⁰² “Magdalós to expose Buliok offensive”, Manila Times online, http://archives.manilatimes.net/national/2008/feb/19/yehey/top_stories/20080219top6.html, 8 June 2012, 1.45 a.m.

¹⁰³ The last armed attack allegedly done by the MILF was in October 2011, when a group believed to be the MILF member created violence for a week in Zamboanga City. For instance, see, “Eight killed in latest MILF attacks in South”, Manila Times online, <http://www.manilatimes.net/index.php/news/top-stories/9880-eight-killed-in-latest-milf-attacks-in-south>, 8 June 2012, 8 June 2012, 2.00 a.m.

other mediators. As suggested by a study, Malaysia “*has been very jealous about external involvement in the peace process.*”¹⁰⁴

Such a situation could risk the coordination amongst mediators. Malaysia holds the chief mediator status, but its *de facto* leverage over other mediators is relatively low. Malaysia does not have adequate control over the ICG because the ICG is not in a subordinate position. Also, Malaysia cannot directly obtain the leverage from the ICG because it is not even a member.

Malaysia’s standing, in this case, is vulnerable to the increasing leverage of the individual member of the ICG. The “individuality” of the ICG is evident, for instance, through the fact that when giving contribution or developmental aid, Japan acts on its own behalf and not of the ICG. It is clearly one of the shortcomings of an ad-hoc group, that is the members tend to act on their own behalf due to the weak mandate and responsibility.

Malaysia’s standing was rather at stake when its chief mediator, Dato’ Othman Abdul Razak, was strongly resisted by the GRP. The GRP requested for a new chief mediator that is ‘acceptable for both sides’, however the MILF wanted otherwise.¹⁰⁵ MILF refused to continue the talks with the GRP without the presence of Malaysia’s mediator.¹⁰⁶ Some sources also mentioned that previously during Gloria Macapagal Arroyo’s administration, the GRP had already tried twice to have Dato’ Othman replaced, but never been approved by the Malaysian government.¹⁰⁷

The Malaysian government’s refusal to replace its chief mediator after a number of requests may indicate two things. The first is that Malaysia wanted to defend its standing, both as a mediator and a sovereign government, that it has the authority to appoint its representative in the GRP – MILF peace talks. The second, which might also be perceived by the GRP, is that Malaysia had only been following the MILF’s demand to keep Dato’ Othman. Both cases

In October 2010, the Philippine President Benigno Aquino III requested the Malaysian Prime Minister Najib Razak to assign a new chief mediator. In November 2010, an official request was sent by the Philippine to Malaysian government, as the GRP negotiating panel had “difficulties” working with Dato’ Othman Abdul Razak.¹⁰⁸ Afterward, the GRP chief negotiator Dean Marvic Leonen made an official statement, as quoted from the Philippine government official gazette, that:

¹⁰⁴ Ibid., p. 54

¹⁰⁵ “MILF wants Malaysia to retain facilitator; GRP says find someone “acceptable to both””, Mindanews online, 16 November 2010, <http://www.mindanews.com/peace-process/2010/11/16/milf-wants-malaysia-to-retain-facilitator-grp-says-find-someone-acceptable-to-both/>, 10 June 2012, 3.15 a.m.

¹⁰⁶ “Moro: Facilitator Needed for Fair Peace Talks”, <http://www.unpo.org/article/11961> 8 June 2012, 10 June 2012, 3.30 a.m

¹⁰⁷ Ibid; See, also, “Philippines-MILF talks stalled over negotiator”, Reuters online, <http://in.reuters.com/article/2010/11/17/idINIndia-52971620101117>, 10 June 2012, 3.40 a.m.

¹⁰⁸ “Malaysia broker in RP-MILF peace talks defends his track record”, GMA News online, <http://www.gmanetwork.com/news/story/206276/news/nation/malaysia-broker-in-rp-milf-peace-talks-defends-his-track-record>, 10 June 2012,

“...any good facilitator knows that if one side has lack of confidence in him, he should immediately resign for the sake of the negotiations. [...]We are also surprised that he claims credit for the outcome of past negotiations. We thought that these are talks between the GRP and the MILF. Has he been dictating the terms of the agreements? [...] There is too much mistrust and recrimination.”¹⁰⁹

Dato’ Othman Abdul Razak finally resigned from his position in April 2011, and was replaced by Tengku Abdul Ghaffar Tengku Mohamad.

¹⁰⁹ The Philippine official gazette, <http://www.gov.ph/2010/11/19/statement-of-peace-panel-chief-leonen-in-response-to-malaysian-facilitator-datu-othman-razak/>, 10 June 2012, 3.00 a.m.

CHAPTER IV

Lessons Learned from the Mediation Platforms in the Southern Philippines Conflict

The previous chapters have examined the mediation by the OIC Ministerial Committee of Six in the GRP – MNLF talks as well as by Malaysia and International Contact Group (ICG) in the GRP – MILF talks. This chapter is intended to identify the strengths and weaknesses of each platform, and eventually obtain lessons for an effective multiparty mediation in the Southern Philippine conflict and, if applicable, to other similar conflicts.

From the previous chapters, we have identified the distinction of result between the GRP – MNLF talks and GRP – MILF talks, that is the former had come with a peace agreement within a relatively short period, i.e. approximately three years. Furthermore, during the mediation period, the hostilities between the two parties had been restrained. The GRP and MNLF have never gone into an armed dispute ever since. In contrast, the GRP – MILF talks have not produced a final peace agreement as yet. From time to time, hostilities between the two parties broke out even though they had signed a ceasefire agreement in 2003.

This chapter is much of a reflection from the chapter II and III. It firstly elaborates the similar traits shared by the two chief mediators, i.e. Indonesia and Malaysia, in order to comprehend the basic modalities for an acceptable mediator in the Southern Philippines conflict. After that, the differences of mediator characteristics in general, also involving the OIC Committee of Six and the ICG, will also be analyzed to give a contrasting picture between the two platforms.

IV.1. Indonesia and Malaysia Head-to-Head: Similarities and Differences

Indonesia and Malaysia share some similar traits. As both states are the chief mediator in the Southern Philippines conflict, the similarities between them could suggest the rationale behind the preference for an acceptable mediator in the conflict and, to certain extent, in other conflicts originated from a minority Muslim insurgents fighting for independence.

The first aspect is the geopolitical context. Both Indonesia and Malaysia are trusted regional partners to the Philippines. They are all members of ASEAN, meaning that they have maintained a high level of confidence amongst them, due to the long-established regional grouping. The establishment of ASEAN in 1967 helped the countries improve their bilateral relations as well, since the relationships between post-independence Southeast Asian countries had been troubled by some security issues.

The Philippines, for instance, had been anxious about Indonesia's expansionist policy in the 1960s.¹¹⁰ While with Malaysia, the Philippines had had a territorial dispute regarding Sabah area. The situations changed following the establishment of ASEAN as well as the

¹¹⁰ For more information on the historical background of the Philippines' relations with Indonesia and Malaysia, see, Yegar, *op.cit.*, p. 207-274

regime change in Indonesia and the Philippines and, ever since, the relations between those countries had become more cooperative than before. To some extent, ASEAN had been able to grow the feeling of regionalism and the awareness of the need for regional stability.

Such a 'regional awareness' might have influenced the position of Indonesia and Malaysia regarding the issue of Southern Philippines. A scholar mentioned that in the OIC, Indonesia and Malaysia had always tried to balance and ease Libya's strong position against the Philippines.¹¹¹ Both states had always defended the non-interference principle and the need for respecting the Philippines' national sovereignty.¹¹² This thesis argues that it was not only the solidarity that motivated both states to be more in favour of the Philippine, but also the fear of regional instability possibly generated by the Philippine's reaction. The assumption was if the Philippines had been put in the corner all the time by the international community, it would have become more resistant and continued fighting the MNLF.

The next aspect is the cultural-religious background. Both Indonesia and Malaysia are Muslim-dominated countries but also maintain religious diversity at the same time. This sends a strong signal, not only to the MNLF and MILF but also to the international community, that the differences of religion, ethnicity and culture not necessarily require separation. By having Indonesia and Malaysia as chief mediator, it would help educate the secessionist groups gradually that Islam can coexist peacefully with other religions, thus, separation from the Christian-dominated Philippines would not be necessary.

Such a religious closeness between the mediator and a negotiating party can help establish rapport between them more easily. Especially, Islam tradition acknowledges the sense of solidarity amongst Muslims. To some extent, it gives a way for Indonesia and Malaysia to build, respectively, the MNLF's and MILF's trust at the initial stage of communication. Even though, there is also another favourable factor for Malaysia, i.e. the historical link between Sabah and Sulu, as discussed in the previous chapter.¹¹³

The Islamic values and tradition are more manifested in Malaysia, along with its recognition of Islam as the federal religion. While Indonesia, officially recognizing other religions as well, maintains a more secular image in the international community. Along these lines, it is most appropriate to have Malaysia mediating the MILF platform because its struggle had been strongly inspired by the establishment of an Islamic state for Bangsamoro people.¹¹⁴ It could have been more difficult to build rapport, for instance, between the MILF and Indonesia, due to the distant interpretation of Islam in the political context. On the other hand, the issue does not equally matter to the MNLF, because of its more secular character.

¹¹¹ Yegar, *op.cit.*, p. 281

¹¹² *Ibid.*

¹¹³ See, chapter III

¹¹⁴ *Ibid.*

IV.2. The Organization of Mediators

The most distinct difference between the OIC Committee of Six and the ICG is that the former was created by an already established international organization, i.e. the OIC, while the ICG is an ad-hoc issue-specific grouping to support the GRP – MILF mediation process. This difference will be discussed in this section, in view of the nature of the organization has a significant influence on the mediator standing. The OIC as a well-established international organization is considered to have more legitimacy and standing than the ICG as an ad-hoc grouping. This notion has two implications.

The first one is that the existence of the OIC does not depend on the mandate from the negotiating parties. Instead, the GRP's and MNLF's dependence on the OIC and its individual members had increased its standing vis-à-vis both negotiating parties. In contrast, the ICG was established upon the request of MILF and with the consent of the GRP. The ICG was also given the mandate by both parties, meaning that its existence depends on the parties' decision.

The level of dependence of the MNLF on the OIC is higher than that of the MILF on Malaysia and the ICG. The first reason is because back in the past, the MNLF got its first international recognition from the OIC. The admission of the MNLF as an observer to the Organization helped increased its status from a sort of "rebel group" to be a negotiating party vis-à-vis the GRP. As later confirmed by Nur Misuari, when interviewed by Soliman M. Santos, Jr., he actually had been disappointed with the implementation of the FPA, but the MNLF "*cannot afford to be isolated from the Islamic world*".¹¹⁵

The parties' high dependence had allowed the OIC to reframe the outcome of the GRP – MNLF talks since the very beginning. As discussed earlier, the option of autonomy was clearly preferable to the OIC, because it recognized the MNLF's struggle for self-determination and, at the same time, the Philippine national sovereignty. A scholar said that the recommendation that autonomy be granted to Mindanao was already included as an addendum to the report of the Committee of Four in 1973.¹¹⁶ The recommendation had become more suggestive following the issuance of the OIC *Joint Communiqué* and even more directive during the mediation by the Committee of Four.

The second implication of the distinct nature of organization is regarding the coordination amongst the members of the mediation platform. The Committee of Six was created and given the mandate by the OIC. Thus, its assignment had also been recognized legitimately by all other members of the Committee and the Organization at large, because in international organizations, members are bound by certain rules and norms. This legitimate recognition as the chief mediator had enabled Indonesia to coordinate with other Committee member even closer. On the contrary, Malaysia is not even a member of the ICG, making coordination amongst individual mediators more challenging. In this case, if the chief mediator is a separate entity from the mediator grouping, it will create psychological distance and barrier between them to coordinate closely.

¹¹⁵ Santos, Jr., op.cit., p. 5

¹¹⁶ Yegar, op.cit., p. 286

Another distinct character between the MNLF and MILF mediation platform is regarding the membership composition. The OIC Committee of Six only consists of member states of the OIC, while the ICG is composed by states and NGOs. The presence of NGOs in the ICG can be advantageous because those organizations may comfort the MILF more, since NGOs are presumably more supportive to a greater autonomy than state actors are. Recently, the MILF requested for the first time a meeting only with the NGO element of the ICG to discuss the current status of the peace talks.¹¹⁷

In addition, the NGOs with Islamic background like Muhammadiyah (Indonesia) are expected to share the experience that Muslim community can co-exist peacefully with other religions within a country. This sort of understanding needs to develop to help shape the MILF's view in long term, so that in the future such a 'new autonomous entity' emerges, the MILF would be able to live side by side with Christian Filipinos peacefully.

However, to the GRP, the presence of foreign NGOs can be more problematic because of two reasons. In general, the relationship between governments and NGOs is often conflicting in nature, even though cooperation potentials are also present, because NGOs are commonly known as supporting self-determination. Another reason is the unfamiliarity with the foreign NGOs' track record. However, this potential problem has been minimized because the ICG has only invited well-known NGOs with high reputation so far, which is something that needs to sustain.

IV.3. The Standing of the Chief Mediators

IV.3.1. The Standing vis-à-vis Negotiating Parties

The previous discussion in this thesis suggests that the position of a chief mediator is very significant. It is, however, more evident in the case of GRP – MNLF mediation platform. It is already understood that as the chief mediator in the GRP – MNLF peace talks, Indonesia had been quite active in playing its role, for instance, by initiating and hosting a number of meetings, both formal and informal. Indonesia had also formulated the approach that was considered to be most favourable, i.e. restructuring the negotiation into three layers.

This thesis believes that as the chief mediator, Indonesia had a good standing vis-à-vis the GRP and MNLF. Such a standing was certainly composed of some factors, namely the high leverage it had obtained from the OIC as well as the negotiating parties' trust and comfort. It has been clear that the mandate for Indonesia to be the chair the Committee of Six had come with certain leverage as well. While at the same time, Indonesia had also gained the trust from the negotiating parties due to its traits as a trusted regional partner to the GRP as well as a Muslim-populated country that also comforted the MNLF. Over time, Indonesia had also managed to develop the level of trust and comfort of both negotiating parties through close contacts and intensive meetings.

¹¹⁷ "Moro: Top Summit On Peace Negotiations", <http://www.unpo.org/article/14396>, 17 June 2012, 8.00 p.m.

Benefiting from its good standing, Indonesia had enjoyed a certain level of flexibility in selecting the best mediation strategy option. Most of the times, Indonesia would apply the procedural strategy, which is seen through its ability to influence how the negotiation should proceed. Indonesia had had the free-will to apply a mediation strategy that it considered most useful, i.e. structuring the negotiation into three layers.¹¹⁸ It is also important for a mediator to be able to apply the strategy it feels comfortable doing.

The usage of procedural strategy had also allowed it to initiate and host important meetings, including the final meeting before the signing of the FPA. Normally, such a meeting has a high importance because it is where the parties actually finalize and conclude an agreement. It explains why the 1996 FPA is also known as the “Jakarta Accord”.¹¹⁹ In addition, being the host of meetings, Indonesia had more privilege for influencing the agenda-setting and the proceeding of the meetings.

Besides, Indonesia seemed to have applied the communication-facilitation strategy every now and then. The usage of such a strategy is apparent in the way it had maintained intensive communication and consultation with both parties through both formal and informal meetings. This way, Indonesia had collected as much information as necessary to identify common grounds between both parties’ positions. This is also a way to facilitate both sides to exchange their views and keep the communication between them going on.

The high leverage of the OIC over the GRP and MNLF had so much favoured Indonesia in carrying out its duty. Indonesia had been able to exert more influence in the agenda-setting as well as in the proceeding of the meetings, as it behaved more than just a facilitator. In contrast, Malaysia and the ICG have a stricter mandate that only allows them to use the communication-facilitation strategy.

In comparison with Indonesia in the MNLF mediation platform, Malaysia has a relatively lower standing in the MILF mediation platform. This is because Malaysia, invited by both negotiating parties, stands on its own as a chief mediator. In carrying out its mediation duty, Malaysia is not affiliated to any international organization with high leverage, thus its standing only depends on its own leverage and, of course, the trust of the negotiating parties.

Theoretically, the creation of the ICG is supposed to increase the mediator standing vis-à-vis negotiating parties, as the invited members have various capacity and resources to offer to both parties and to contribute to the peace process. However, the strict and limited mandate given to the ICG restricts the grouping to exert more influence, for instance, on how the negotiation proceeds. Malaysia is unlikely to obtain leverage from the ICG for the reasons have been discussed earlier, namely because Malaysia is not a part of ICG and ICG itself only has limited leverage.

¹¹⁸ Faizasyah, *op.cit.*, p. 354

¹¹⁹ Some scholars use the term “Jakarta Accord” to refer to the 1996 FPA, for instance, see Santos, Jr., *op.cit.*, p. 22

Unlike what happened with the OIC, the leverage of the individual members of the ICG has not yet integrated and been transferred to the grouping. Each member of the ICG seems to act on their own behalf, instead of collectively on behalf of the grouping. Such behaviour, this thesis argues, is largely driven by the different motivation between the ICG members. For instance, according to a scholar, Japan's involvement in the ICG is driven by the motivation to support its claims that peace-building is now an important pillar in its foreign policy.¹²⁰

Malaysia lack of resources to offer to both parties, thus, its standing should be more developed through building the parties' trust and dependence over time. However, Malaysia almost failed to maintain the trust. The GRP's strong objection on keeping the former Malaysian chief mediator, Dato' Othman clearly shows the lack of trust on him.¹²¹ At that certain point, Malaysia had risked its standing by refusing to replace Dato' Othman with someone else. It had been more than a year until the replacement took place.¹²²

A quite opposite situation happened in the MNLF mediation platform. In this case, Indonesia had been able to maintain the continuity in the mediator team. The continuity of involvement and familiarity with the issues were also highly important in Indonesia's experience of mediating the GRP and MNLF.¹²³ In general, this event suggests that it is essential to maintain impartiality and close contact with the negotiating parties over time, in order to grow their trust on the mediator.

IV.3.2. Coordination in the Mediation Platforms

In multiparty mediation, a chief mediator also needs to make sure of the coordination amongst the members of the mediation platform. Coordination is crucial in multiparty mediation, because too many uncoordinated ideas and actions may endanger the mediation process itself. A chief mediator should assure that each and every member of the mediating platform behaves along the lines of the mandate.

For that reason, a chief mediator has to be trusted not only by the negotiating parties, but also by other members of the mediation platform. Thus, a leadership capacity is crucial. Without it, a chief mediator would lose the trust from other members. In this case, Indonesia's leadership is evident in its ability to decide upon the mediation strategy as well as in the fact that many meetings were hosted in Indonesia.

The Committee members' recognition to Indonesia's leadership may have come from the consideration over its modalities as elaborated in the previous section. Besides, Indonesia had also benefited from the fact that its chairmanship of the Committee of Six had been legitimately recognized by all members, even at that certain point, it was not the most influential member state in the OIC. In general, it is more advantageous to the chief

¹²⁰ Peng Er, *op.cit.*, p. 56

¹²¹ See, chapter III

¹²² *Ibid.*

¹²³ Faizasyah, p. 354

mediator to be affiliated with, and certainly to get the mandate from, an international organization since all the decisions are subject to all members' compliance.

A more challenging situation is, obviously, faced by Malaysia. It has a rather awkward position, because as the chief mediator, it is not affiliated with the mediator grouping ICG. The ICG is composed by some states that have a relatively higher leverage than Malaysia, as well as by international NGOs that may not share the same perspective and interests with each other. In that case, it is difficult to identify the common identity or common ground that shapes the behaviour of the ICG. For comparison, the common ground of the OIC is to promote the interests of Muslim people worldwide.¹²⁴

When states engage in joint mediation, Iji and Fuchinoe argue, their roles as mediators are affected by their own interests.¹²⁵ That is the case with the ICG, as each member may pursue their individual interests, without any common ground that shape the grouping's common interests. In short, despite the ICG was intended to complement and support Malaysia, the practice on the ground is not always as easy as expected, since Malaysia's position is not superior vis-à-vis ICG.

Given such a situation, the increasing leverage of the ICG member will not help increase Malaysia's standing as the chief mediator. Instead, the event could possibly risk Malaysia's standing vis-à-vis negotiating parties as well as the other mediators, which would not be favourable to the overall continuation of the peace process. Thus, it is important for Malaysia and the ICG to start setting a code of conduct or terms of reference regarding the coordination mechanism amongst them.

¹²⁴ Introduction to the OIC, http://www.oic-oci.org/page_detail.asp?p_id=52, 17 June 2012, 10.30 p.m.

¹²⁵ See, Chapter I

CONCLUSION

The role of mediator in the peaceful settlement of the Southern Philippines conflict has been essential, given the high distrust and hostility between the Government of the Republic of the Philippines (GRP) and the two secessionist groups, Moro National Liberation Front (MNLF) and Moro Islamic Liberation Front (MILF). Generally, in a situation when conflicting parties cannot communicate to each other, due to the distrust and hostility, a third-party may help them to communicate and gradually build their trust. It is significant in the initial stage of peace talks, since the talks cannot start in the total absence of communication.

This role was taken by the Organization of Islamic Conference (OIC) at the initial stage of the GRP – MNLF negotiation in the 1970s. The organization had pressured both the GRP and MNLF to start the peace talks between them. The recognition from the OIC had transformed the status of the MNLF from a ‘rebel group’ to a self-determination movement that has higher standing and is more acknowledged by the international community. Without such recognition, the GRP would not have accepted the MNLF as a negotiating party.

One important thing to highlight in this period of the OIC’s involvement is the high standing it had vis-à-vis the GRP and, to a higher extent, MNLF. The high standing is not only evident through the OIC’s ability to push both parties to negotiate, but also through how it had managed to frame the expected outcome of the negotiation. Along with its recognition to the MNLF’s struggle for self-determination, the OIC had also emphasized the national sovereignty and territorial integrity of the Philippines. This way, the OIC had reframed that the most feasible option for both sides was autonomy in Mindanao.

Such a high standing had been acquired by the OIC from its member states. Libya was, at that moment, very influential to the MNLF. Saudi Arabia and other oil-exporting members, on the other hand, had threatened the Philippine government with oil embargo if the latter failed to start the peace talks. Such a high leverage or power had enabled the OIC to apply directive strategy toward both parties. Also with the dominance of Libya in the Committee of Four, created to mediate the GRP – MNLF, the peace talks had quickly concluded the Tripoli Agreement in 1976.

Nonetheless, the failure to implement 1976 Agreement showed that directive strategy and Libya’s partiality toward the MNLF did not work, in the sense that it had not created a long-lasting peace. Having learned the situation, the OIC expanded the existing Committee to be the Committee of the Six, this time with Indonesia as the chief mediator. The new Committee had managed to help the GRP and MNLF conclude the Final Peace Agreement in 1996, which had created the long-lasting peace between the two parties until today.

The key of success of the GRP – MNLF mediation platform throughout 1993-1996, as proposed in this thesis, was the ability of the Committee of the Six to apply the most

appropriate mediation strategy at that time, i.e. the procedural strategy. The procedural strategy, which is more influential than the communication-facilitation but not as aggressive as the directive one, was proven to be effective to conclude a long-lasting peace agreement in a relatively short time. Indonesia, as the chief mediator, had been able to restructure the negotiation into three layers, involving formal and informal meetings, which was considered most suitable by the Indonesian officials. In this manner, Indonesia was able to determine how the negotiation proceeded but at the same time, unlike the way Libya had done before, maintain the intensive communication with both parties in a tactful and friendly manner.

It was possible for the OIC Committee and, particularly, Indonesia to have such flexibility in strategy option, because the OIC standing was high enough. The MNLF was highly dependent on the support from the OIC and its particular member states and, in general, the OIC was seen by both the GRP and MNLF as their only possible avenue for moving on with the peace process.

Besides driving the initiation of the peace talks, another potential role of a mediator is maintaining the negotiating parties' commitment, trust and comfort level to stay in the negotiation, even after some series of failure. This is important at the next stage, when peace talks have already begun. This role is mostly played by Malaysia in the GRP – MILF peace talks. Despite the outbreak of hostilities for several times, the mediation process between the two parties goes on even until today, which is unlikely to happen without the presence of a mediator.

From 2001 until today, the GRP – MILF mediation process has not yet been able to conclude a final peace agreement. Also, it had not been quite effective in restraining the hostility between the GRP and MILF, as demonstrated by a series of armed fighting throughout the peace process. This thesis believes that it is because the inability of the mediator, i.e. Malaysia and the ICG, to exert an adequate influence over the negotiating parties.

Malaysia, as the chief mediator, only has limited influence over the negotiation procedure because the only possible strategy for it to apply is the communication-facilitation strategy. The same thing applies to the ICG, which is only given the limited mandate to complement and support the work of Malaysia, particularly, in sustaining the trust and confidence between the GRP and MILF. Such a restriction exists because Malaysia was invited and, therefore, given the mandate by both parties to 'facilitate' the peace talks. In this case, the level of dependence of the parties on Malaysia is not high enough, compared to that of the GRP and MNLF on the OIC.

One lesson learned from the OIC mediation is that the leverage of the most influential OIC members, i.e. Libya and Saudi Arabia, had helped increase the leverage of the OIC and, consequentially, the Committees it created to carry out the mediation duty. Looking at the mediation by the Committee of Six, Indonesia was able to obtain such a leverage to increase its standing as the chief mediator, albeit the fact that it was not amongst the most influential states.

This 'transfer of leverage' does not happen in the ICG, because of two reasons, i.e. Malaysia is not a member of the ICG and the ICG members tend to act on their own behalf. The relatively higher leverage of the ICG members, due to their respective capacity and contribution, only potentially makes Malaysia feel uneasy.

Indonesia, holding the mandate as the chief mediator from the OIC, also got legitimate support from the other OIC members. There are advantages of working under the mandate of a well-established international organization, namely the mandate is more 'internationally' legitimate and the behavior of all the members are more coordinated because they are bound by certain rules and norms of the organization. That also explains why, even though not very influential, Indonesia was accepted to lead the Committee of Six, besides other reasons.

Even though Malaysia is the chief mediator in the peace process, it is not in a higher position than the ICG nor does it hold a legitimate recognition from the ICG members. Thus, the coordination amongst all individual mediators is more challenging than that of the OIC. This situation may weaken the mediator standing in general. Moreover, the relatively high leverage of the individual ICG member does not even allow the grouping to exert more influence on the peace talks, because it was established by the consent of both parties with a very strict mandate.

In order for Malaysia and the ICG to mediate more effectively, a closer coordination is necessary, especially to integrate all the resources possessed by all the individual mediators. That way, the leverage of each IGC members may potentially be transformed into a higher mediator's standing. With a higher standing, Malaysia as the chief mediator could have the flexibility in the strategy option and exert more influence on how the peace talks proceed, thus, would expedite the conclusion of a final peace agreement.

Summary of Events

The timeline below highlights the major events that are mentioned earlier in the chapters to give a concise illustration on how the conflict and, for the most part, mediation process have developed so far.*

1971	The MNLF was established by Nur Misuari	
1972	Martial Law was declared by the Philippine government; the hostilities in the Southern Philippines grew	
1974	The OIC accepted the MNLF's appeal and issued a <i>Joint Communiqué</i> calling for 'a peaceful solution ... within the framework of the national sovereignty and territorial integrity of the Philippine.'	
1975	The formal talks between the GRP and MNLF started	
1976	The signing of the Tripoli Agreement; the Agreement quickly	
1977	The OIC granted the MNLF the observer status	
1978	The "new leadership" group declared separation from the MNLF	
1977-1983		High escalation of the GRP – MNLF armed conflict
1984	The MNLF "new leadership" became MILF	
1984 - 1996		The GRP used military approach against the MILF and the newly emerged "terrorist" group Abu Sayyaf; the GRP often claimed the two groups linked closely
1986	Revolt in the Philippines, Marcos stepped down from his Presidency, allowing the new administration to pursue more diplomatic approach with secessionist groups	
1987	The signing of the Jeddah Accord; the talks between the GRP and MNLF resumed	
1989	ARMM was created by the Philippine government, based on the Organic Act for the ARMM (Republic Act No. 6734 of 1988)	
1993	The first formal talks between the GRP and MNLF in Jakarta, Indonesia	

1994	The second and third formal talks between the GRP and MNLF
1996	The signing of the Final Peace Agreement between the GRP and MNLF
1997	The beginning of negotiation between the GRP and MILF
1998	The signing of general agreement on the cessation of hostilities between the GRP and MILF
2000	The GRP under Estrada's administration launched an "all-out-war" against the MILF
2001	Malaysia joined as a mediator in the GRP – MILF talks
2003	The GRP under Arroyo's administration launched "Buliok offensive" targeting at the capture of MILF's Salamat Hashim; the hostilities terminated by a ceasefire agreement in the same year
2004	The IMT was established to monitor the ceasefire implementation on the ground
2008	The GRP and MILF negotiation teams agreed upon the text of MOA-AD, but failed to sign due to the Philippine Supreme Court's decision that the text was 'unconstitutional', followed by the breakout of hostilities between both sides
2009	The ICG was established to support the mediation process
2010	The GRP requested Malaysian government to replace Dato' Othman Abdul Razak as the chief mediator due to his 'impartiality'
2011	Dato' Othman Abdul Razak finally resigned and was replaced by Tengku Abdul Ghaffar Tengku Mohamad
2012	The state of art while this thesis is written is that the GRP and MILF have agreed upon the Ten Decision Points on Principles as of April 2012 as a basis for further talks

* Summarized from various sources

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