

THE INTERNATIONAL POLITICS OF MINDANAO CONFLICT: FROM WAR TO PEACE-MAKING

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ABSTRACT

Intra-state conflict resolution nowadays is no longer an exclusive affair among states, but rather played by multiple actors from manifold levels, and influenced by several international agenda. At times, several frames come into play and tension happens. This dialectical relationship is present in peace-making and brings dilemma to the principal actors. However, the collision of interests and worldviews could also bring creativity and innovation, such as the creation of the International Contact Group in Mindanao peace negotiation which brought inclusivity and transparency to the process. The International Contact Group shows the flattening of international peace-making mechanism, away from the traditional state-centered, pyramid-like relationship of international mediation and third party facilitation.

Keywords: Wisconsin Card Sorting Test, WCST, OCD, obsessive-compulsive disorder

INTRODUCTION

This essay examines the global and regional context of Mindanao conflict from the escalation of violence to the peace-making phase, as well as surveys the international principles, norms and rules which influence the intra-state conflict resolution, and critique the same using different theoretical lenses. Likewise, the paper shows the application of two conflict-resolution techniques, i.e. mediation and -third-party facilitation by international actors in peace settlement, and analyze the min the case of GPH-MILF peace process. Moreover, the paper provides an overview on the key external players of Mindanao peace process. The essay is a departure from the state-centered level of analysis to global level of analysis on the Mindanao peace process which is its unique contribution to the peace and conflict literature.

This is a descriptive and analytical study with normative undertones that used primary and secondary data as well as the author's direct observation on the event (the author worked in the Office of the Presidential Adviser on the Peace Process from 1999 to 2010). The coverage of the study is from the onset of Mindanao conflict in 1970's until the signing of the Comprehensive Agreement on the Bangsamoro in 2014.

The Global and Regional Context of Mindanao Conflict Then and Now

The security order of Southeast Asia during the Cold War period is characterized as in the state of anarchy, and states behaved in ways that enhanced their survival, preservation and national interest. During this period, Southeast Asia existed according to the paradigm of the Realist school of thought in international politics which says that essential character of international affair is conflictual, anarchy is the rule, the final arbiter of things political is power, and the essence of social reality is the group, and power and security as the motivation (Gilpin 1984). Cold war was an era when most states in the region had just come out of the throes of colonialism. Each state had to grapple with the new experiences of being independent and deal with the vital task of nation-building. Domestic problems ranged from rebuilding a war-ravaged economy to reconciling contending domestic forces, consolidating and legitimizing political leadership. While most states in the region were focusing their attention on the primacy of nation building, the Indochinese countries of Vietnam, Laos and Cambodia were engaged in civil war that spilled over their respective national boundaries. The region was ideologically divided between non-communist states (Indonesia, Malaysia, the Philippines, Singapore and Thailand) and the communist countries of Indochinese peninsula which was the battleground of the superpowers rivalry in the region, namely: the United States, Soviet Union and China, while Japan as a junior partner of the US in the fight against communism through contribution to the economic development of the region (Caballero-Anthony 1999, 2002; Acharya 2001; Garufuno 2002).

Swamy and Gershman (2003) underscored territorial disputes over land and marine territories as a widespread source of inter-state conflicts in SEA then and now.

Territorial dispute is disagreement between two states or more where their common borders should be drawn or over ownership of territory either within the borders of one country or outside of both countries (Wang 2003). Examples of territorial disputes in SEA are: Vietnam and China's claim over the South China Sea; Vietnam and Cambodia's border and marine dispute (Gulf of Thailand); Vietnam, Malaysia, China and the Philippines' claim over the Spratly's group of islands; Thailand, Cambodia and Myanmar's land border dispute; Indonesia and Malaysia's border and marine dispute over Ligitan and Sipadan, and; the Philippines and Malaysia's territorial dispute over Sabah.

Southeast Asia has been confronted with three typologies of intra-state conflict afflicting the region according to Swamy and Gershman (2003), namely: conflicts over national unity, conflicts over national identity and conflicts over regime identity. Conflicts over national unity or separatist movements aim to change a country's borders and this is present in Burma, the Philippines and Thailand. Conflicts over national identity are conflicts challenging the religious or secular character of a state but may also include challenges to the state's identification with a particular ethnic group that fall short of separatism. This type of conflict is prevalent in Burma, Cambodia, the Philippines and Thailand. Conflicts over regime identity involve democratization movement and revolutionary challenges to a regime's class character. This has been the experience in Burma, the Philippines and Thailand.

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The Initial Role of International Actors in War and Peace-making in Mindanao

Written works ranging from journalistic to intelligence reporting is fraught with stories of the involvement of Islamic countries in Southeast Asia and Middle East on Mindanao conflict (Abat 1993; Razul 1993; Vitug and Gloria 2000). Vitug and Gloria wrote that Col. Khadaffy, after hearing that news on the BBC, took a personal mission to aid and defend Muslims in this part of the world from oppression. Consequently, Libya provided sanctuary and training for the secessionist rebels in Tripoli. It also poured in millions of British pounds to arm the Moro National Liberation Front (MNLF) through superior armaments and military supplies funneled through its intermediaries in Southeast Asia. Likewise, in the various meetings of the Organization of Islamic Cooperation (OIC), Libya took the lead in putting the Philippine Muslims on the agenda of the OIC to which the organization often conceded. The OIC eventually granted the MNLF an observer status in the OIC in 1977.

As much as the Islamic countries were part of the making and escalating the Mindanao civil war, they were also instrumental in forging the peace that culminated in the signing of the Final Peace Agreement between the Government of the Philippines and MNLF in 1996 (Razul 1993; Ramos 1996; Gloria and Vitug 2000). At the 1974 Meeting of the Organization of Islamic Conference in Kuala Lumpur, Malaysia, the OIC adopted Resolution 18 which called on the Philippine government to meet with the representatives of the MNLF in Jeddah, Saudi Arabia, in order to arrive at a just solution to the Mindanao Muslim problem. The resolution stressed the OIC's recognition that the war in Mindanao was a problem internal to the Philippines and recognizes the sovereignty and the territorial integrity of the Philippines. The resolution gave the MNLF no choice but to abandon its bid for secession in favor of autonomy. The initial fruit of the OIC peaceful intervention was the signing of the Tripoli Agreement on December 1976 in Tripoli, Libya. The *whereas clauses* of the GRP-MNLF Tripoli Agreement articulate the significant role and overwhelming influence of the OIC, in particular, the following member-countries: Libya, Saudi Arabia and Malaysia. These countries which were once accused by the Philippine government of supplying military logistics to the MNLF, had now served as the hosts, financiers and facilitators of the GRP and MNLF negotiations for the Tripoli Agreement.

The same tone reverberates in the 1996 Peace Agreement which acknowledged the OIC as the sole good office that brokered the realization of the accord. The whereas clause of the 1996 FPA acknowledged the OIC as the sole good office that brokered the realization of the accord, particularly the OIC Ministerial Committee of the Six composed of Indonesia as Chair, Libya, Saudi Arabia, Bangladesh, Senegal and Somalia. Further, the OIC was given a role in monitoring the full implementation of the FPA during the transitional period until the regular autonomous government is firmly established. The FPA made the OIC part of the Joint Monitoring Committee and it enjoined the latter to generate broad international support for post-conflict rehabilitation of Mindanao.

Principles, Norms and Rules in the Evolving Role of the International Actors in Intra-State Conflict Resolution

Structuralist-thought and system took contour in international politics and gained greater momentum in shaping world order alongside with realpolitik in the Cold war period. International regimes, the defining character of structuralism, is defined as common principles, norms, rules and decision-making procedures regulating, establishing and predicting states' behavior (Krasner 1982). Under this emerging structuralist-milieu, the United Nations became the locus of international regime. International law promulgated by the UN, such as respect and recognition to state sovereignty, territorial integrity and independence, becomes a defining feature of the international regime.

Recently, international law which upheld the idea of sovereignty among states as the supreme normative principle of the political organization has shifted its organizing principle into a transnational or cosmopolitan community, as a consequence of events that shook the conscience of humanity, such as the genocide in the former Yugoslavia and Rwanda. Modern international norms have set out new basis of co-existence and cooperation in the international order. An example of this was the Report of the International Commission on Intervention and State Sovereignty (2001) under the auspices of the UN which proposed the repudiation of the conventional rules of sovereignty and called for the justification of military intervention by international actors in a particular state on following cases: (i) large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or

inability to act, or a failed state situation, or; (ii) large scale ethnic cleansing, actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape.

Another document legitimizing the international community's intervention or involvement in conflict resolution is the Agenda for Peace (1992). Former UN Secretary-General Boutros Boutros-Ghali noted that in the new breed of intra-state conflicts that have characterized the 1990s, state collapse is common, therefore, international intervention must extend beyond military and humanitarian tasks and must include the promotion of national reconciliation and the re-establishment of effective government. When requested, the UN has an obligation to provide technical assistance for the transformation of deficient national structures and capabilities, and for strengthening of new democratic institutions (Boutros-Ghali in Manning 2003). Conflict resolution, however, is not limited to end and cessation of hostilities but also peace-building and post-conflict reconstruction of war-torn countries. Peace-building are comprehensive efforts to identify and support structures which will consolidate peace and promote a sense of confidence and well-being among people in a war-torn country.

It is in the peace-building and post-conflict reconstruction process that other international actors such as the World Bank play a critical role. Since this process requires massive financial and technical resources, the Bank or donor institutions influences and shapes the whole gamut of peace-building process and post-conflict reconstruction. The Bank is said to carry the neo-liberal approach that promote reforms rather the transformation of the world order (while liberal-internationalism aims to construct an international order based on economic interdependence through trade, the rule of law, cooperation between states and arbitration of disputes). The World Bank before was focused on good governance defined in narrow sense (William and Young 1994). But since 1980s, World Bank now focused on a new range of issues, not simply technical and managerial, under the heading of governance. In its report entitled *Sub-Saharan Africa: from Crisis to Sustainable Growth*, it characterized the crisis in the region as crisis of governance, as something crucial in stimulating heightened focus of the inter-relations of democratic governance and economic-development.

International Actors as Mediators and Third Party Facilitators in Peace Settlement

Boutros-Ghali (Agenda for Peace 1992) identified four possible institutional mechanisms in preventing and managing international conflict: preventive diplomacy, peace-making, peace-keeping and peace-building. Peace-making techniques are provided for by the UN Charter under Article 33, namely: i. direct negotiation among the conflicting parties, ii. mediation or good office and conciliation, and iii. arbitration and adjudication. There are many definitions of mediation and facilitation. This paper adopts the definition of Greminger (2007) who defines mediation and facilitation as a way of assisting negotiations between the parties to a conflict and transforming conflicts with the support of an acceptable third party (I call this process as mediated negotiation). The mediator usually has a formal mandate from the parties to a conflict, and gets involved both in the process and substance of the negotiations, i.e. by making suggestions or proposals. He/she may also use leverage to influence the negotiation process. Facilitation is similar to mediation, but less directive, and less involved in shaping the substance of the negotiations. The facilitator may have the role of a hotelier i.e. hosting talks, and facilitating the communication between the parties to enhance mutual understanding and prepare joint action.

The popular use of mediation in violent conflicts lies on its respect to the independence, sovereignty and freedom of choice of the parties in conflict (International Relations and Security Framework 2007). Because the power of mediation lies in being acceptable to the conflict parties, it is a useful tool for small countries. Small countries cannot compete on the international arena in terms of hard power; through mediation they have certain degree of control over the process and outcome. Mediated negotiation is resorted by the parties when the conflict has been: long-drawn, intense, complex, parties' own conflict management effort has reached an impasse, neither party is prepared to countenance further costs or loss of life, and both parties are prepared to cooperate, tacitly or openly, to break the stalemate.

Mediators could be global and regional international governmental organizations such as the United Nations, European Union, and Association of Southeast Asian Nations, individual states, international non-governmental organizations, and individuals.

The usual tasks of the mediator/facilitator are to: structure and guide the process, facilitate the communication, empower the parties and locating the common ground, and provide logistics (Berkovitch 2001). Mediators enter in a conflict situation in order to affect it, change it, resolve it, modify it, or influence it in some way. They bring with them ideas, knowledge, resources, and their own interest or of the organization they represent, and often have their own assumptions and agenda about the conflict.

Mediation and facilitation can be used and applied in the entire peace process continuum: pre-negotiation, negotiation and implementation phases. In the pre-negotiation phase, the third party will build trust among and between the parties in conflict, as well as understand their positions, interests and perceptions. In the negotiation phase, the parties are actually sitting at the table and talking with each other; this phase aims at working through the issues and then to signing of an agreement. In the implementation phase, the agreement is then put into practice. Each phase may take many months, years or even decades. (Greminger 2007).

The liberal school of thought of international relations explains better the motivation of international actors for acting as a mediator/facilitator, as against the realist school of thought (Hoppman 1995). The same explains the attitude of the parties in conflict towards its openness to mediated negotiation:

On anarchy. The liberals believe that joint decision making may overcome the anarchy within the system, whereas, the realists generally believes that the international system is essentially anarchic in structure so that each actor must rely in self-help.

On international cooperation. The liberals see greater potential for cooperation to achieve long-term objectives even in the presence of apparent short-term differences of interest, whereas, the realists are generally skeptical about the potential for cooperation in an anarchic system, believing that it is usually restricted to short-term collaboration to achieve immediate interest.

On the role of state. The liberals see the state as disaggregated and emphasize the role of non-state actors, nongovernmental organizations, international regimes and institutions, whereas, the realists generally emphasize the unitary state as the its relevant actor in international relations.

On goals. The liberals emphasize the equal importance of other goals such as economic welfare, whereas, the realists perceive that the goals of the state are defined primarily in terms of national security.

Institutions and regimes. The liberals are more optimistic about the potential role of international actors in promoting the long-term interests of states, non-state actors and individuals, whereas, the realists are pessimistic about the ability of international institutions and regimes to serve the interest of individual states except in specific and limited circumstances.

The International Contact Group and the Signing of the Comprehensive Agreement on the Bangsamoro

The GPH-MILF peace process formally started in 21 July 1997 through the signing of the Agreement for General Cessation of Hostilities by Amb. Fortunato Abat for the GPH and Ghazali Jaafar, Chair of the MILF Panel. It is to be noted that there was no external third party involved, officially at least, in the first agreement. It took four years for the next agreement to be entered into by the Parties, the Agreement on Peace between the GPH and the MILF signed on 22 June 2001. This agreement laid down the items to be discussed and negotiated by the parties, namely: security, rehabilitation and ancestral domain. It is in this document that the Government of Malaysia was officially acknowledged as the Facilitator. Henceforth, Malaysia always appeared in the whereas clauses of the agreements whereby the Parties expressed their gratitude for facilitating the talks and providing the logistics.

As mediator, Malaysia suggested and promoted a certain direction for the parties for the resolution of the armed conflict (Santos 2004). These suggestions or directions have come not during the actual negotiations but technically outside yet proximate to them, and

they were quite substantive with bearing on the process, outcome and solution. These include the following political parameters: suggesting the framework of the Philippine Constitution, Tripoli Agreement and Jakarta Accord, respect for Philippine territorial integrity and sovereignty, no secession or independence, assurance of the rights of the Bangsamoro as citizens, MNLF-MILF unity complementing existing solutions, and for the Moro movement to combat radicalism and the militant tendency. Santos claimed that Malaysia's vital interest for the Philippines to drop its Sabah claim is not the driving motivation behind Malaysia's involvement in Mindanao. Sabah is so near to Mindanao that any war in Mindanao will result in the influx of refugees and illegal migrants, among other social, economic and security problems.

The expansion and strengthening of the international third party role came about in 15 September 2009 through the signing of the Framework Agreement in the Formation of the International Contact Group (ICG) for the GRP-MILF Peace Process. The ICG is composed of four states: United Kingdom, Japan, Turkey and Saudi Arabia, and four international non-governmental organizations (INGOs): Conciliation Resources, Muhammadiyan, Asia Foundation and Center for Humanitarian Dialogue. The agreement recognized the significant role that interested countries and international NGOs could play in supporting role for a successful GPH-MILF peace process. The ICG is deemed as ad hoc in nature and issue-specific in its engagement, and has the following functions: attend and observe the face-to-face negotiations upon invitation by the Parties with concurrence of the Facilitator; conduct visits, exchange views, and advice on discreet basis in coordination with Parties and the Facilitator; seek assistance of recognized experts; resource persons or groups on specific issue in order to support the Parties, and; meet upon the request by the Parties at various levels to help resolve substantive issues based on the agreed agenda. The ICG would coordinate and work closely with the Facilitator as it drew its mandate from both the Negotiating Peace Panels and the Third Party Facilitator.

As someone who was working in the institution in charge of government peace efforts, I viewed the establishment of the ICG as an offshoot of the controversies surrounding the Memorandum of Agreement on Ancestral Domain (MOA-AD) signed by the GPH and MILF on 05 August 2008 which was eventually declared by the Philippine

Supreme Court as unconstitutional (the MOA-AD was the attempted final comprehensive agreement between the GPH and MILF during the Arroyo administration). Many sectors then opposed the role of Malaysia as the Facilitator of talks because of the unresolved territorial claim over Sabah between the Philippines and Malaysia. The involvement of Malaysia was seen as laden with vested interest, it is meant to soften the Philippine claim on Sabah. The MNLF, whose leadership and most membership are Tausugs, is one of the strongest oppositions on Malaysian involvement; the Sulu Sultanate is the direct claimant of the Sabah island. Another oppositionist to the Malaysian role was the security sector, in particular, the retired Generals who fought in the Mindanao war during the 1970's because they knew well how Malaysia aided the Moro rebels. Ishak Mastura (2011) offers an even stronger view against Malaysia. He argues that indeed Malaysia is a keystone player in the peace process in Mindanao and that it has a convergence of interests with the United States' involvement in Mindanao, and Malaysia is being driven by its own territorial agenda, not aligned with the Philippine interest. I quote Mastura:

What would compel such extraordinary group of countries to be present at the negotiation for the resolution of a little understood armed conflict taking place in the far reaches and remote corners of maritime island of Southeast Asia? These countries are in the catbird seat to a “vacuum war” taking place between current world hegemon...the power vacuums created by failed states (or failed regions such as Mindanao and the Sulu archipelago) attract the interest of great powers because they are an easy way to expand their spheres of influence while weakening their opponents or forestalling their intervention. A state that decides not to fill a power vacuum is effectively inviting other states to do so, thereby potentially decreasing its own relative power. Thus, the US military presence in the failing or failed region of Mindanao and the Sulu archipelago ostensibly assist the Philippine military in counter-terrorist operation against the Abu Sayyaf is easily explained...since it precludes another great power, China, which is maritime neighbor of the Philippines from filling the vacuum...Malaysia’s national interest requires its ultimate aim to be the protection of its sovereignty over Sabah state, with its vast natural resources and relatively low population. So, it is not in Malaysia’s interest to have a situation where peace is established in southern Philippines, if it results in a Moro government not friendly to Malaysia or at least susceptible to its influence”. (Mastura 2011: 5-6, 10)

The peace talks that produced the MOA-AD was also seen by both foreign and local peace organizations as lacking transparency, short of public conversation and dialogue, and conducted in exclusive manner. Malaysia had the monopoly of information, decision-making and influence over the Parties. Many interested parties especially the international and local NGOs felt like reactive participants under the earlier arrangement. Peace NGOs aspired for greater engagement and stakes on both process and substance of the peace negotiation.

The reflection on the years prior to the MOA-AD signing is the GPH was experiencing bankruptcy of ideas due to the “close system and exclusivist practice” of the government panel in the formulation and adoption of its negotiation points; not having much insights and inputs from other processes e. g. Aceh, Sudan, Northern Ireland. With the establishment of the ICG, stakeholders to the process were broadened and their role deepened; the ICG has acted like an oversight and advisor to Malaysia. The ICG also brought fresh and new ideas and learning from other successful peace processes from other countries which, I believe, have provided a greater push to the GPH and MILF to arrive into a final agreement at last.

Similar to 1995 FPA wherein the contribution of the OIC was well pronounced, the Comprehensive Agreement on the Bangsamoro (CAB) signed 27 March 2014 significantly acknowledged the contribution of international actors in the GPH-MILF peace process: Malaysia as third party facilitator, the International Contact Group, the International Monitoring Team, the Organization of Islamic Cooperation as observer, the Third Party Monitoring Team and the Independent Commission on Policing. It should be noted that like the ICG, the International Monitoring Team and Third Party Monitoring Team include INGOs, but unlike ICG, they include local NGOs. The International Monitoring Team was created earlier than the ICG, oversaw the implementation of ceasefire agreement, and composed of five states: Brunei, Indonesia, Japan, Libya and Norway; one regional organization: the European Union, and four NGOs: Mindanao Human Rights Action Center, Mindanao People’s Caucus, Moslem Organization of Government Officials and Professionals, and Nonviolent Peace Force.

On the other hand, the Third Party Monitoring Team and the Independent Commission on Policing are recent creations and in charge of other aspects of CAB.

According to Conciliation Resources (*Conciliation Resource Practice Paper*, 2014), the ICG encountered challenges peculiar to its nature as a hybrid mediation support group. They encountered problems of overlap among them as similar activities were undertaken by all of them and with same groups or organizations. There was also competition for accessing funds among the INGOs, each raise fund for its own and from almost same fund sources. ICG members also had to adjust to internal changes of the organizations as terms of duty of representatives expired, and which brought challenge in ensuring that institutional memory and collaborative spirit were maintained in spite of personality changes. Involvement of local peace NGOs to the peace process was also an issue: two local peace initiatives made a request to the peace panels to join the ICG - the Mindanao Contact Group and the Women's Peace Table. The Negotiating Panels were not opposed to civil society participation in general, but said request raised the question on which organizations could be invited as local observers and by what criteria they should be selected. The MILF was firmed on retaining the international character of the ICG. The request was eventually rejected; however, Conciliation Resources insisted that INGOs of the ICG worked in partnership with a number of civil society organizations, and that the ICG-member INGOs became channel of communication between the table and local actors. This situation placed them in a difficult situation of balancing the requirement of confidentiality in their role on bridging relations between the negotiating table and local stakeholders.

In totality, the ICG hailed as the first of kind mechanism in the field of conflict resolution, has this to say on what had been their role in Mindanao peace process that climaxed in the signing of the CAB (*Conciliation Resources Practice Paper*, 2014): (1) *On supporting progress of formal negotiation* – If talks became stuck, the ICG would meet with the facilitator and shuttle between both panels to identify common ground or the way forward; ICG activity was particularly intense when talks twice reached an impasse: first, in the middle of 2010 when the newly elected Government of the Philippines came to power and requested that Malaysia change its appointed facilitator, and second, towards the end of

2011 when parties were unable to agree on working drafts of the final agreement. ICG members shuttled back and forth between parties, offering advice and exploring options to break the deadlock. (2) *On supporting the peace process outside official talks* – The ICG was most active between rounds of meetings. The embassies of ICG member states would regularly meet with lawmakers in Manila and local government leaders from Mindanao, to listen to their concerns and suggestions as well as exert diplomatic leverage in support to the peace negotiation. The ICG members-INGOs worked with local and civil society to promote cross-community dialogue, provided technical and financial support to local NGOs, and invited external experts to share lessons from other peace process with the Negotiating Panels.

CONCLUSION

This paper has shown that intra-state conflict resolution nowadays is no longer an exclusive affair among states, but rather intra-state conflict resolution at present is played by multiple actors from manifold levels, and influenced by several international agenda. At times, several frames come into play and tension happens. As seen in this paper, there was a tension between realism and liberalism, between state autonomy and cosmopolitanism in the involvement of international actors in Mindanao peace process. In both theory and practice of peace-making, this dialectical relationship is present and brings dilemma to the principal actors (as in the case MOA-AD). However, the collision of interests and worldviews could also bring creativity and innovation such as the creation of the ICG which brought inclusivity and transparency in Mindanao peace negotiation, specifically, from having only the traditional actors which are the states, into including new actors which are the international non-governmental organizations backed by local peace organizations. The result is a hybrid body, the International Contact Group, which is reflective of the flattening of international peace-making mechanism away from the state-centered, pyramid-like relationship of international mediation and third party facilitation.

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