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Research Paper for GIARI Summer Institute 2009:
“Contextual Determinants of International Third-Party Mediation:
Cases of Internal Armed Conflicts in the Asia-Pacific Region”

I. Introduction

Although regional integration of the Asia-Pacific region requires security integration, existing regional arrangements such as the ASEAN Regional Forum (ARF) lack institutionalized mechanisms for effective dispute settlement and conflict resolutions. Meanwhile, insurgencies and secessionist claims prevail in the region. Regional institutions are mostly incapable of resolving these issues. In contrast, ad-hoc efforts of mediation for conflict resolution have a rich record in the region. Hence, it is worth exploring prospects of mediation as a non-institutionalized procedure for such purposes in the region. How does mediation resolve conflicts involving insurgencies and secessionism in the Asia-Pacific region? This is the research question of this paper.

This paper identifies and analyzes the key factors involved in explaining the determinants of third-party mediation in internal armed conflicts in the Asia-Pacific region. It examines a set of interrelated hypotheses and findings well established in the standard literature on third-party mediation and evaluates their applicability to three case studies.

The first hypothesis argues that contextual variables are more influential than process variable in determining the outcome of mediation. The second hypothesis states that among the contextual variables of third-party mediation, the characteristics of the mediator are the most influential. Finally, the third hypothesis stresses that among the characteristics of the mediator, the leverage of the mediator is the most important.

To examine these hypotheses and findings from the standard literature on the effectiveness of third-party mediation, this study analyzes two cases from the Southern Philippines and one from Indonesia. In all the three cases, international third-party mediators including governmental, intergovernmental and non-governmental actors were involved in the mediation process. All the three cases revolve around the secessionist demands of Islamic armed movements in the two countries.

II. Theoretical and Conceptual Framework

1. Definition of Mediation

Summarizing similarities among various definitions by researchers, mediation is defined as one form of an ad-hoc trial of conflict resolution in a non-forcible and non-legally-binding manner practiced by the parties to the conflict and third parties as mediators (Bercovitch & Rubin 1992: 2, 4-5, 7; Crocker 2007: 2; Crocker, Hampson & Aall 1999: 5, 7; Horowitz 2007: 51; Williams & Williams 1994: 116).

2. Independent Variables

The independent variables for explaining the outcome of third-party mediation may be classified into contextual and process variables. There is a large consensus in the standard literature on which factors are considered as contextual variables to explain the effectiveness of mediation (Bercovitch & Rubin 1992: 7). In this light, this study adopts Kleiboer's method of classification (Kleiboer 2006: 374-376).

Contextual variables consist of four categories: 1) the characteristics of the dispute, 2) the parties, 3) the mediator and 4) the international context. The characteristics of the dispute can be analyzed according to their ripeness, intensity, and issues at stake in the conflict. The nature of the parties involved in the conflict may be analyzed through six aspects: identification, cohesiveness, type of regime, motivation to mediate the conflicts, mutual relationship and power balance of the parties. The third contextual variable, the characteristics of the mediator, can be evaluated on three levels: impartiality, leverage and status of the mediator. The fourth contextual variable, the international context, focuses on the impact of significant international events and processes about the mediation activity.

As the second major independent variable, the process variable indicates the activeness of involvement of the mediator in the mediation process. From a passive role to an active role, the mediator may function as a communicator, formulator and manipulator of the mediation process.

In reality, characteristics of the mediator such as impartiality, leverage, and status (a contextual variable) dynamically relate to the behavior of the mediator (a process variable). However, for analytical reasons, this paper treats these variables separately. In particular, the process variable highlights and evaluates the nature of agency intervention, as a passive communicator, formulator, or active manipulator of the mediation process. Thus, in the actual mediation process, there can be instances when the characteristics of the mediator are inconsistent with the level of its actual involvement in mediation. For instance, a mediator with significant leverage may not be able to play a more active manipulator role than

initially expected of it; or one seen with low leverage may in fact attempt a more active formulator or manipulator role.

(1) Characteristics of the Mediator

Since the existing literature argues that the characteristics of the mediator are the most influential among the contextual variables, there is a need to explain briefly what these characteristics are.

a) Impartiality of the Mediator

Most studies show that among the characteristics of the mediator, impartiality has the least impact on the mediation outcome (Picco 1997; Williams & Williams 1994: 10-11, 111-112). However, the perceived impartiality of the mediator from the point of view of the contending parties is still one of the factors considered in their final choice of the mediator.

The required degree of impartiality of the mediator in mediation practices is not as rigid as often expected. Some researchers argue that “complete impartiality” is rare among mediators even in successful cases. Touval and Zartman suggest that mediators have to be regarded merely as not particularly partial to either side (Touval & Zartman 2001: 434). For the mediator to have a special connection with one side is not necessarily a reason for disqualification. Williams et al. claim that oftentimes it is necessary for the mediator to show such connections as a clue to its potential capability in influencing the mediation outcome. In reality, as Williams and Williams report, many local people in conflict sites have also been involved in mediation (Williams and Williams 1994: 10-11, 111-112).

b) Leverage of the Mediator

Many studies show that a mediator’s leverage - its power and resources to influence the parties - is more important than its show of impartiality (Crocker 2007: 1-2; Crocker, Hampson & Aall 1999: 681, 693). Thus, the leverage, or simply what the mediator can do to alter the status quo, is more important than how the mediator is regarded by the parties. A great number of case studies argue that the mediator simply needs power for successful mediation (Crocker 2007: 1-2; Crocker, Hampson & Aall 1999: 681, 693). Nevertheless, according to Young, most researchers do not conclude that the more physical power a mediator possesses, the more successfully it can act (Young 2006: 142). Instead, the combination of threatening and rewarding in return for parties’ fulfilling some expected behavior is a practical option for mediators to maximize their leverage based on limited resources, according to Touval, Zartman, Rubin and Crocker (Crocker, Hampson & Aall 1999: 686; Rubin 1992: 255; Touval & Zartman 2001: 437, 442).

c) Status of the Mediator

The status of the mediator has not been focused much by researchers as a primary determinant of mediation outcome as Crocker points out (Crocker, Hampson & Aall 1999: 693). However, the status of the mediator is as influential on the mediation outcome as its leverage, according to Bercovich and Williams, since the mediation process normally starts with the mediator being accepted by all the parties, based on how its status is perceived (Bercovitch & Langley 2006: 353; Williams and Williams 1994: 68). The status of the mediator may be understood as the initial position that a mediator brings to the process. It can be seen in at least three dimensions: as a state or non-state actor; as formal or informal mediator; and the initial prestige level of the mediator.

There are increasingly prominent instances when non-state actors have played key roles in the mediation process as seen in the case of Aceh examined in this paper. A formal status refers to a mediator whose role is publicly known and acknowledged while an informal role refers to one where the mediator is only known and acknowledged by the parties to the conflict. The prestige level of the mediator refers to its track record and credibility in participating and addressing conflicts.

(2) Process Condition as Independent Variable

Apart from contextual variables, the process condition also affects the outcome of mediation, since this variable indicates how the mediation process is conducted by the mediator in practice. The behavior of the mediator varies from “passive,” to “facilitative” to “active” as Bercovitch suggests. Touval and Zartman assert that mediators can act in at least three ways to influence the outcome of the process: 1) as a “communicator” who can bridge the parties who have no direct communication or little trust of each other; 2) as a “formulator” who encourages contesting parties to agree on the procedure of mediation by providing them with ideas on how to evaluate the conflict and to implement their agreements; and 3) as a “manipulator” who resorts to a certain kind of nonviolent power to change the behavior of the parties so that they can concentrate on conflict resolution through mediation (Bercovitch 1992: 8; Touval & Zartman 2001: 435-436; Young 2006: 143).

However, researchers often argue that the process condition may exercise less influence over the mediation outcome than contextual variables and the characteristics of the mediator do. They think that the conduct of the mediator in the mediation process cannot overturn the perceptions of the parties, who ultimately make decisions on the outcome, as these perceptions are determined in advance of the process by the context.

3. Dependent Variable

The dependent variable of mediation theory is normally termed as the outcome of the mediation process. Kleiboer argues that among various definitions of successful outcomes of the mediation, the “goal-based approach,” which assesses the degree of success of a certain objective of the mediation, seems to be studied the most. Many discussions including criticisms are available in the literature (Kleiboer 2006: 360-361).

III. Case Studies

To assess the hypotheses provided, cases of conflict are selected with the following criteria: whether third-party mediators are or were involved in the peace process; whether plenty of sources are available as to the conflict; whether the combination of cases enables comparative analysis on specific factors. As a result, cases of the Moro National Liberation Front (the MNLF), the Moro Islamic Liberation Front (the MILF) in the Philippines, and Aceh in Indonesia were selected. In the presence of third-party mediators, secessionists in all three cases abandoned the initial claim of independence, and they all are related to Muslim populations. Moreover, they share the same part of history, and geographical proximity all within the same region of South East Asia. Thus, the selection of these cases is relevant enough to assess the feasibility of hypotheses.

1. The Moro National Liberation Front (MNLF) Case

By the 1500s, the region of Mindanao including Mindanao Island had a few unified Muslim kingdoms. Their influence spread over approximately the same areas of the Republic of the Philippines. These kingdoms in the south of Mindanao maintained their administrative independence against the Spanish colony. They coordinated with militaries from outside the region to attack colonial territories in the north of the Philippines. Hence, Spanish colonizers called Muslims of the Philippines "Moros" ('Muslims' in Spanish) with a sense of fear and hatred. Military attacks of Muslim soldiers began to spread among Christianized communities of the Philippines from this age of the fifteenth centuries (Hayase 2003: 36-70; Woodworth 2004). However, as economic resources of sultanates in Mindanao declined due to loss of control over centers and routes of traditional maritime trade, their military power diminished (Hayase 2003: 36-70).

Under the administration of the United States from 1901, root causes of the conflict in Mindanao were formed. Taking advantage of land conditions of Mindanao, which is suitable for agriculture, Christian land settlers began to migrate. Lands formerly owned by

Moro people were transformed by Christian settlers into organized farms to produce their crops. As a result, Muslims became mere minorities in Mindanao. This marginalization of Muslims and occupation of land by Christian settlers remained root causes of insurgencies in Mindanao (Gutierrez & Saturinino 2004; Nozawa 2000: 61; Yom 2001).

While Christian Filipinos accomplished independence from the United States in 1946, Mindanao remained the place of “internal colonization.” Armed conflicts between Muslims in Mindanao and Christian paramilitaries and military forces continued. Muslims’ attempt for independence began to take more and more violent forms against the central government (ed. Dolan, 1991; Rogers 2004; USA, CIA 2008; Yom 2001).

An organized rebel group of Muslims with modern equipments and tactics against the Government of the Republic of the Philippines (GRP) was established after the massacre of Jabidah in 1968, which killed dozens of Muslims. Moro National Liberation Front was established with Nur Misuari, then lecturer of the University of the Philippines for political science, as its head commander (Harish 2005; Mindanaowar.com 2007; Rivera 2006).

The MNLF as a rebel representing minority Muslims in the Philippines received support from Muslim-dominated states including Libya, Malaysia, Pakistan, and Saudi Arabia, for instance. The Organization of the Islamic Conference (OIC), an organization influential for Muslim states consisting of foreign ministers of states having substantial portion of Muslim constituents, supported the MNLF’s continuing fight (Harish 2005; Rivera 2006).

The OIC was also active in promoting peace negotiations between the MNLF and the GRP. It threatened to sharply reduce the oil export to the Philippines. It tried to intimidate the GRP into dealing seriously with treatment of the MNLF. Threats of oil reduction were critical to the GRP, since a stable supply of oil was a precondition of its successful economic development (Rivera 2006; Shaikh 2006).

Libya was especially active in pressuring both parties to reach a partial settlement in 1976. Libya alarmed the GRP that it would inform insincerity of the GRP in negotiation to the OIC and UN Security Council, and let the MNLF launch the full scale of attack against the GRP. During the negotiation, Libya as a mediator directed negotiations between the two parties in Tripoli in December 1976. Other mediators of the OIC and negotiators of the MNLF were reported to be submissive to Libya (Shaikh 2006; Yom 2001).

In the meantime, then President Marcos of the GRP tried to weaken cohesiveness of the MNLF so that the GRP can take leadership in negotiations. Marcos tried to lure Hashim Salamat, one of the original cofounders of the MNLF in governing a province in Mindanao, which worsened the relationship of the parties (Shaikh 2006; Yom 2001).

Nevertheless, on December 23 in 1976, the parties finally concluded the Tripoli

Agreement. The agreement covered cease-fire, territorial integrity of the Philippines, non-independence in foreign affairs and external defense of Mindanao, and autonomous governance of administration, judiciary, and policies of economy and education in 13 provinces in Mindanao (Harish 2005; Rivera 2006; Shaikh 2006; Yom 2001).

Despite the conclusion of the Tripoli Agreement, different views of the parties on Article 16 of the agreement, which ordered the GRP to “take all necessary constitutional process for the implementation of the entire Agreement,” caused a return to the adversarial relationship over independence of Mindanao. Views on whether this Article 16 requires plebiscite divided the two parties again. Marcos decided to set new autonomous provinces including only three out of thirteen provinces designated as components of the autonomous area by the Tripoli Agreement (Harish 2005).

The OIC retaliated by legitimizing the MNLF as having an observer status to it and as “the legitimate representative of the Muslim movement” in Mindanao. Radicals in the MNLF, who regarded the Tripoli Agreement as an act of capitulation by the GRP, split from the MNLF in 1977 and grew as Moro Islamic Liberation Front (the MILF), with whose commander Hashim Salamat, a cleric of Islam (Harish 2005; Rivera 2006; Shaikh 2006; Yom 2001).

Fifteen years after the Tripoli Agreement, the two parties resumed the peace process. As then President Ramos of the GRP knew that Libya had influence over the MNLF and on the mediation backed by the OIC, he tried to approach Muammar Gaddafi, the Libyan leader in Tripoli in 1992, before he had started his term of presidency. Ramos then succeeded in talking Libya into promising with the GRP “support for, and assistance to, the peace process.” On the other hand, the MNLF also had the intent to resume the peace process. This is because it had to prove its legitimacy as a rebel group representing Muslims in Mindanao, while other Muslim rebels multiplied their power and support from locals in the same region (Harish 2005).

This time, the main part of mediator role was taken by Indonesia, also an OIC member. From 25 October in 1993, the parties and mediators started mediation procedures to reach a more comprehensive agreement to settle their conflicts in Jakarta. They established a joint secretariat including the two parties, Indonesia and the OIC, and supporting committees for national defense, regional security, representation for the GRP, systems of administration including executive council, legislation, judiciary based on Shari'ah Law, finance, economy and education, and policies of non-organic natural resources in Mindanao (Harish 2005).

Since Ramos had control over the military, measurements to secure the peace process were saved without factional negligence of interim agreements by radical soldiers within the military. The parties issued an Interim Ceasefire Agreement (ICA) in the early stage of the mediation process. They also established the Joint Ceasefire Committee (JCC), which the OIC was supposed to lead, to monitor the observance of the ceasefire by the

parties. The peace zones, which prohibited the entry of armed groups without permission from local communities, were created based on initiatives among local communities of both Muslims and Christians, with armed forces siding with the GRP including military, police and militias, and the MNLF. The GRP recognized these peace zones and discussed the procedures of the peace process with communities forming them, which were often set as Special Development Areas (SDA) to receive aid for development (Harish 2005).

With JCC the parties were able to manage them with cooperation of the parties, though the mediation periods coincided with violent events such as kidnappings and attacks by other rebels in conflict-affected areas. Libya also monitored the mediation process so that it could prevent too much violence in the areas (Harish 2005).

In 1996, the MNLF and the GRP concluded the final peace agreement. As a direct measure to eliminate the conflict by decreasing the probability of resurgence between them, the parties agreed to integrate militias under command of the MNLF into the Armed Forces of the Philippines (AFP). The GRP could reallocate resources to fight against other rebels such as New People's Army in the north of Luzon Island. Moreover, based on provisions of the Tripoli Agreement, the agreement was expected to affirm an institutional basis of Autonomous Region of Muslim Mindanao (the ARMM), where people including Muslims were allowed to conduct high-level autonomy (Harish 2005; Palmer 2002).

The ARMM was joined by areas and cities that chose to participate it by referendum. The GRP, on the one hand, admitted such a deal to stabilize post conflict affairs with the informal demand of the OIC and Indonesia as mediators (Rood 1998; Shaikh 2006).

The MNLF, on the other hand, also accepted the idea of the ARMM. The MNLF commanders including leader Nur Misuari, who himself succeeded in becoming Governor of the ARMM, were guaranteed their positions in either the AFP or the ARMM in return for suspending their claim of independence. Due to competitive relationships with other Muslim rebels over the legitimacy of representing the Muslim population in Mindanao, the MNLF decided to resort more to political strategies rather than military approach to stick to the demand of independence. (Harish 2005; Palmer 2002; Rivera 2006; Rood 1998; Shaikh 2006).

Despite the formal agreement, people in Mindanao did not support the final peace agreement between the parties. Local people could not gain what they had expected. To be more precise, the ARMM, which consists of many ex-militias having scarce experience in civil governance, did not have capability to implement the projected policies for post-conflict development (Bertrand 2000; Bolongaita, 2005).

Lack of fiscal autonomy also forced the ARMM to wait for insufficient allocation of resources including the budget as well as professional personnel of public administration by the GRP. Philippine legislation hesitated to prioritize necessary discussions for remote

affairs of Mindanao (Santos 2003; Senate of the Philippines 2007).

Moreover, mediators themselves, who literally imposed the framework of the ARMM on the MNLF, lacked the capability to support the implementation of the peace agreement in terms of administration in Mindanao (Bertrand 2000; Bolongaita, 2005; Rivera 2006; Santos 2003; Senate of the Philippines 2007; Yom 2001).

Furthermore, the issue of ancestral domain, or Muslims' claim for their traditional land right, was not fully resolved by the agreement. As the claim had been serving as a main motivation for Muslim rebels to fight for independence, rebels including radical factions of the MNLF and the MILF refused to accept the framework of the ARMM. They did not stop fighting with their arms against the GRP forces and militias attacking them (Bertrand 2000; Gutierrez & Saturinino 2004; Philippine Daily Inquirer 2006a; Yom 2001).

Eventually, Nur Misuari was captured by the Philippines government forces and lost his power as the formal leader of the ARMM. He had carried out a revolt with his supporters in vain over disagreement with the GRP about the appropriate period of his term of office as ARMM governor (Rivera 2006).

2. The Moro Islamic Liberation Front (MILF) Case

Since the MILF kept insisting on independence, the GRP had to start negotiation with the MILF, which began in January 1997. Besides the MNLF, other Muslim rebels including the MILF did not acknowledge the peace agreement between the MNLF and the GRP in 1996 (Rivera 2006).

The following president, Estrada attacked the headquarter of the MILF in July 2000. However, the parties concluded a ceasefire agreement in 2001 (Aljani 2006; Rubenstein 2000; Santos 2003: 2-4; USA, OCC 1998).

Just after the election of Macapagal-Arroyo in January 2001, Malaysia told the MILF its intention to serve as a mediator between the parties. With consent of the MILF to resume peace talks, Arroyo lifted the criminalization of past conduct of the MILF commanders. The GRP then formally requested Malaysia to mediate the peace talks with the MILF (Santos 2003: 5; XGNS 2006).

Political and economic resources that Malaysia could potentially use in mediation seemed to be more than enough. Its experience in dealing with domestic multi-ethnicity through the modernized federal system coordination claims of wealthier ethnic groups, those for preservation of Islamic culture, and for affirmative actions aimed at comparatively impoverished ones including Muslims, as well as its economic career in internal development were all essential sources of credibility (Niitsu 2005; Rivera 2006: 106; Santos 2003: 21-23).

The OIC was also supportive about Malaysian mediation, which began on 24 March 2001. In April 2001, Indonesia showed its willingness to act as a mediator and accept asylum of then MILF leader, Hashim Salamat, if necessary. Later on, Libya and the OIC had a comprehensive discussion with the two parties, hosted by Seif el-Islam, who is Qhadafi's son (Maitem 2006; Yom 2001).

However Malaysian Prime Minister Mahathir tried to settle the MILF affairs within the framework of ASEAN. He wanted to prevent extra-ASEAN intervention so that he could promote the capabilities of ASEAN member states to solve intra-regional problems by themselves. Another case similar to Australian involvement in East Timor was what he wanted to prevent the most (eds. Cossa & Che 2000; Manila Times 2006; Santos 2003).

Some officials of the GRP also pointed out that Malaysia wanted to take advantage of the mediation process for resolving territorial dispute in its favor. The two countries had unsettled disputes over territorial claims in northern parts of Sabah Island in Malaysia. Malaysia had supplied Muslims in Mindanao with "funds and military aid" so that they would possess the capability to counter the GRP forces. Moreover, Malaysia had invested much in Mindanao. It must have had a substantial interest in the security of the region, since (Labita 2006; Maragay 2006; Rivera 2008; Rapoport 1996).

The main feature of the mediation activity of Malaysia was the concurrent conduct of hosting, monitoring, and developing the mediation procedures. Malaysia hosted talks between the two parties, monitored implementation of the ceasefire by the parties as a leading state of International Monitoring Team (the IMT), and developed the implementation capability of the parties through capacity building measures. Malaysia seemed successful in being trusted of its credibility as a mediator by local NGOs dealing with community development and other relief activities (Anasarias 2007).

As a basic principle of mediation, Malaysia has talked the MILF into abandoning its claim of independence, assuring what it can gain from the autonomy. Malaysia also emphasized no material reward or compensation through mediation so that both parties could save their limited resources, for it aimed to prevent resurgence of conflicts between Muslims and non-Muslims by their cooperative development in recovering the economy in Mindanao (Rivera 2005: 83-108; Rivera 2006; Pasigan 2008; Fernandez, Maulana & Maitem 2006; Santos 2003: 11, 13, 25).

As a method to set forward in the mediation process, Malaysia sometimes threatened to withdraw its role in return for the default of agreement by each party. For instance, once the proposal to the ancestral domain issue was delayed, it threatened to cancel the mandate of the IMT. The GRP had to make diplomatic effort to rebuild trust among states sending personnel to the IMT, and submit a new proposal. Malaysia often used covert and informal negotiations in parallel with the formal mediation process. It also took advantage of mediation through frequent "shuttle diplomacy," by which Malaysia was

kept fully informed of intentions of both parties (Cagoco 2006; Maragay 2006; Santos 2003: 7-8).

On 22 June 2001, the two parties concluded the “mother agreement,” where two years of ceasefire and a framework of the following negotiation procedures on issues such as ancestral domain and rehabilitation of conflict-affected areas were agreed. On 18 January 2002, the GRP requested the United States to lift the MILF from its designated terrorist organizations when the U.S. had signaled to the GRP that it would cancel its economic and military aid programs for the Philippines due to an alleged connection of the MILF with international terrorist network. Moreover, the U.S. set the conclusion of the final peace agreement between the GRP and the MILF as the necessary prerequisite for more aid to the Philippines. (Manila Times 2006; Philippine Daily Inquirer 2006a, 2006b; Rivera 2008; Santos 2003: 25; Simon 2004). Naturally, motivation to make the peace talks succeed increased.

In 2002, the MILF and the GRP established the Bangsamoro Development Agency (BDA), and agreed that it would oversee and promote domestic and international investment, and development programs including those offered by aid donors for Mindanao. This became an incentive for the MILF to make an effort to conclude the final peace agreement. Mindanao was still one of the most impoverished areas in the Philippines due to lasting internal conflicts and inefficiency of local administration, despite donors such as Australia, the United States, the European Union, Japan, and NGOs (Castro 2006: 53-54; Dacanay 2006; Gutierrez & Saturinino 2004; IDMC 2009; Luwaran.com 2006a; Nozawa 2000: 77-78; Rivera 2005: 83-108; USA, OCC 1998). The parties tried to organize more efficient assistance of development so that people in conflict-affected areas would benefit from the peace process, and hope for and support its success.

The peace process involved several minor skirmishes between the two parties, partly because their chains of command in respective forces were defective in controlling the unauthorized engagement of radicals. Local communities found their peace zones ineffective in preventing conflict. In March 2002, Arroyo once suspended negotiations with the MILF due to its impermissible violation of ceasefire, though the MILF denied the allegation. Although the parties concluded “Implementing Guidelines of the Tripoli Agreement on Peace” in May 2002, the MILF announced a stop to negotiations with the GRP in February 2003, as its headquarter was attacked by the GRP force (Harish 2005; Jacinto 2006; Kohno 2008: 2; Maragay 2006; Rood 2005; Santos 2003: 3-4; Sarmiento 2006: S1/11).

During the deadlock of negotiations, Malaysia continued its effort to reopen the formal channel of peace talks by maintaining a back-channel communication between the parties. Confidence building measures through this informal mediation procedure enabled the parties to reconcile to the extent that formal channel was recovered between them. A cease-fire agreement came into effect in July 2003 (Asia Pulse 2006; Kohno 2008: 2; Santos 2003: 3-4).

From 2004, mediation between the MILF and the GRP continued without major obstacles except for the issue of ancestral domain. In October 2004, Malaysia came to host the IMT with other Muslim-dominant states such as Libya, Brunei, and Bangladesh, whose contribution satisfied both parties, while some conservatives in the GRP side are scared of the IMT's strong presence. The IMT role was evaluated by both parties as highly positive, and even as a defining reason to assess Malaysian mediation as positive. Minor engagement between forces of the two sharply decreased in number after Malaysia took a leading role in the IMT. Hence, the parties came to keep their minds on negotiations (Ali 2008; Calimag 2008; Dacanay 2006a, 2006b; Fernandez & Contreras 2006; Labita 2006; Luwaran.com 2006a, 2006c; Maliga 2008; Nagaishi 2007; Nograles 2008; Pasigan 2008; Rivera 2005: 83-108; Santos 2003)

Malaysian contribution in the IMT was necessary to allow humanitarian aid workers including NGO personnel to concentrate on relief activities, without fearing involvement in sudden skirmishes. Practically, the IMT cooperated with Coordinating Committees on Cessation of Hostilities (CCCH) of respective party in order to persuade combatants to behave themselves, and to provide medical treatment. Additionally, the parties and the IMT coordinated to inspect terrorists and criminals in conflict-affected areas as well (Ali 2008; Calimag 2008; Maliga 2008; Nagaishi 2007).

Capacity-building measures of Malaysia, aimed at local people in Mindanao, were conducted by the Malaysian Technical Cooperation Programme (MTCP) in association with the Development Academy of the Philippines (DAP). The parties also started to recruit capable personnel by issuing an agreement to establish a Bangsamoro Leadership and Management Institute. They provided locals with various programs of job training to serve regional administration bodies in Mindanao in the future. These measures were designed to complement BDA activities (Labita 2006; Luwaran.com 2006b; Santos 2003: 26), so that locals would forget the mismanagement of the MNLF-version of peace settlement, and regain motivation for lasting peace.

The MILF was wary of repeating what the MNLF did in many ways. While it was more flexible than the MNLF in terms of guidance of its conduct by the OIC, it cared about the degree of directive attitude of Malaysia as a mediator and as a powerful member of the OIC. However, since both the MNLF and the MILF claimed their legitimacy to represent Muslims in Mindanao, the two and the GRP had to agree on their positioning for status in the OIC through "a joint the MNLF-MILF panel for official representation in OIC meetings," and also on how to treat the implementation process of the 1996 Peace Agreement between the MNLF and the GRP. The "the MNLF-MILF Unity Agreement" was concluded between the two in 2001, and "the Bangsamoro Solidarity Conference" was formed in 2002 for the continuity of negotiations for their unification (Bas 2006; Rivera 2005: 83-108, 2006; Santos 2003: 30).

In June 2005, the MILF hosted a political rally of its supporters, inviting

representatives of the OIC, the GRP, and World Bank. The MILF openly showed its readiness to finalize the peace process, and to accept domestic and international support necessary for the implementation of the final peace agreement. Moreover, in October 2006, Japan started to participate in the IMT by sending an expert of socioeconomic support as peace-building measures, since it has interest over Mindanao as one of the biggest donor of aid to Mindanao (Rivera 2006; Lam 2007). This commitment also contributed to maintain incentives of the parties to deal with peace negotiations.

Malaysia and the two parties intermittently continued its mediation process to discuss the numerical criteria to define ancestral domain for the MILF version of an autonomous governing body in Mindanao. In August 2007, the mandate of the IMT expired, but was renewed to extend it (Agence France Presse 2006; Kohno 2008: 2), so that the parties could concentrate on their work on completing negotiations on the ancestral domain issue.

The parties finally concluded the negotiation, and signing of the agreement was scheduled for August 2008. Notwithstanding the completion of the negotiation over an age-old issue, the Supreme Court of the Philippines ruled “the memorandum of agreement on ancestral domain” to be unconstitutional and has “upheld” its cancellation. The Senate of the Philippines, local politicians representing the Christian population in Mindanao, and opposition parties of Arroyo administration were against the conclusion of the “memorandum,” because they were not fully consulted with the issue of ancestral domain. Accordingly, factions of the MILF raged, and the peace talk was suspended again (Agence France Presse 2006; Balana 2008; Kohno 2008: 2; Rivera 2008).

In order to save the memorandum, the GRP needs amendment of the constitution of the Philippines. Whatever procedures it will take, the vote, referendum, or plebiscite is necessary. However, many people in the Philippines are not keen to put forward the required procedures. This is because amendment of constitution requires discussion of extending the term of the presidency, and also because of the lack of distribution of information for the public as to issues including the MILF affairs. Many people in Mindanao do not understand the whole picture (Nogralas 2008).

To note, regardless of the success of amendment procedures, the decisions of the Supreme Court on the issue of unconstitutionality of the memorandum in question could be reversed, as several incumbent judges of the Supreme Court are going to end their terms soon and possibly be replaced by those who have different opinions (Nogralas 2008).

Malaysia started to withdraw its unit from the IMT as the mandate expired on 30 November 2008. The MILF realized that it was not the parties, but Malaysia as mediator that “lost face” by the cancellation of signing the memorandum of agreement. The MILF is worried about its effect, as a withdrawal of the Malaysian unit from the IMT would lead to a number of skirmishes. The MILF expected the Malaysian unit for the IMT to come back soon with its renewed mandate. It planned to request Malaysia to expand the mandate (Ali

2008; Balana 2008; Pasigan 2008).

3. The Free Aceh Movement (GAM) Case

In Aceh, Indonesia, local people established a sovereign Sultanate kingdom, which had accepted Islam for the first time in the region around Indonesia in the beginning of the fifteenth century. Since then, Acehnese people have been famous for their deep devotion to Islam. In 1824, when the rest of the areas, currently parts of the territory of the Republic of Indonesia, were passed to the Netherlands, Aceh was exceptional and maintained its sovereign independence. However, to govern the whole parts of Sumatra, the Netherlands began to intervene in the neighboring kingdoms in the middle of the nineteenth century. Local scholars of Islam led the resistance movement against the Netherlands, which lasted until 1942, just before the Japanese invasion. Even after the end of World War II, the Acehnese did not completely surrender to the Netherlands re-invasion, while all the other parts of Indonesia could not withstand its attacks (Aspinall 2005: 87; Ghani 2000: 23, 27; Ibrahimy 2001: 31-33; Inoue 2005: 7; Matareum & Hasan 2000: 1-2).

In December 1949, the state of Aceh was established as the first state in the Republic of Indonesia to maintain substantial administrative functions among the other regions. Despite its contribution to the war against the re-invasion of the Netherlands, the state of Aceh was disbanded and absorbed into the state of Northern Sumatra in 1950. When the protest of local Acehnese against the decision grew severe, Hassan di Tiro, a descendent of a heroic protestor against the Netherlands and a self-proclaimed diplomat, declared the independence of Aceh as Negara Aceh Sumatera in 1976. He claimed that Aceh was “impoverished” by the administration of Javanese, which was the Republic of Indonesia. As the central government of the Republic of Indonesia rapidly smashed rebels supporting di Tiro, he exiled himself in 1979 to seek international support. Eventually, he formed a government-in-exile in Sweden with his supporters, and began to receive support from Libya, including military training for newly recruited Acehnese mainly from Malaysia (Inoue 2005: 7-10; Ross 2005: 40-43; Sulaiman 2000: 18).

The protracted conflict on the ground of Aceh between the government and locals, or between the national government of the Republic of Indonesia and the Free Aceh Movement (GAM: Gerakan Aceh Merdeka), was initiated by di Tiro. The GAM raged against the armed force of the Republic for independence for several times. From 1989 to the middle of the 1990s, The GAM fought much more intensively as a result of recruitment and Libyan training of its soldiers. Hence, although the government forces severely eliminated power of the GAM, it seized most parts of Aceh under its control by 1999, which was followed by large-scale offensives by each side (International Crisis Group 2001).

Even after support from Libya decreased, the GAM gained up to eighty percent of all the villages in Aceh by 2000, though its group cohesiveness seemed to be low. Locals

strongly supported the GAM's claim to take its opportunity to have revenue from Aceh's rich LNG mining, and free them from alleged oppression imposed by the Republic. On the side of the government force, lack of discipline among both soldiers and commanders ruined its capability despite the fact that the number of mobilized soldiers in Aceh exceeded 50,000 by the year of 2003. In five years from 1998, the number of casualties exceeded 4,300 most of which were civilians (Aspinall 2005: 88-89; Human Rights Watch 2003; International Crisis Group 2001; Ross 2005: 43-44, 47, 50).

Peace never took its root in Aceh before 2004. The ceasefire was promised twice, in June 2000 as "humanitarian pause" and in December 2002 as part of "Cessation of Hostilities Framework." The latter was mediated by the Henry Dunant Centre, a Swiss NGO, and extended autonomy including increased allocation of revenues from natural resources was partially granted by the legislation of the Republic in 2001 (Aspinall 2005. p.31; Ross 2005: 51). However, this arrangement did not end the conflict.

As the GAM would persist in its claim of independence, the government of the Republic tried to exterminate the claim by all means, due to the deep division between hardliners and peace advocates within the government to offset any resolution needed to end the conflict. Moreover, the Acehnese provincial assembly never adopted the autonomy plan proposed by the national government, which promised to administer the region under a certain effect of Islamic jurisprudence (Aspinall 2005. p.31; Ross 2005: 51). Certainly, the lasting peace was far beyond its reach.

Context of the Aceh conflict drastically changed in the following two years from 2003. In 2004, presidency of the Republic was passed on to Susilo Bambang Yudhoyono. He was elected through direct election for the first time in Indonesia. He had full control over the military, and was able to begin to actively deal with peace negotiations (Buckley 2004; Reynolds 2005). The GAM gradually became exhausted from the long and lasting battles with the government forces and its proxy militias, and came to seek an alternative to the physical battles against them (Smith 2002; Reynolds 2005).

Moreover, the huge tsunami on 26 December 2004 stimulated the two parties into resuming peace talks. The parties realized that they had to make some sort of concession to rebuild Aceh from the result of a huge disaster. Additionally, international concern for Aceh was accelerated by media coverage of how the Indonesian government treated East Timor in time of its independence and those days and how the conflict-affected area was struck by tsunami (Aspinall 2005: vii-viii; BBC News 2005c; Buckley 2004; Reynolds 2005; Rivera 2008; Ross 2005: 51; Smith 2002).

The government of the Republic had tried to make a deal with members of the GAM living in Sweden through Juha Christensen, a private businessperson living in Sulawesi. He coincidentally had acquaintance with a government official of Indonesia, and tried to act as a mediator for a negotiation in Stockholm in February 2004, though he failed after all. The GAM members in Sweden did not trust the legitimacy of the talk since the

mediator was not openly backed by credible international organizations (Aspinall 2005: 18-19; Kingsbury 2005).

Soon afterwards, Christensen asked Martti Ahtisaari, a former president of Finland, to mediate the two parties. Ahtisaari was an experienced diplomat and negotiator and had personal connections with personnel in international and regional organizations such as the United Nations and the European Union. He led Crisis Management Initiative (CMI), a relatively small-sized NGO, to mediate the parties' dispute in much more an authoritative manner than the former mediator, the Henry Dunant Centre, and succeeded to persuade them to meet each other face to face in December 2004 (Aspinall 2005: 18-19; Kingsbury 2005).

The mediation process including direct meetings of the parties, conducted by Ahtisaari with CMI, took mainly five rounds of talks. All these rounds were sponsored by the European Commission Rapid Reaction Mechanism (Crisis Management Initiative 2005f, 2008a).

From the beginning, Ahtisaari tried to manage the leak of information at minimum level so that the parties concentrate on the process. The first round took place in Helsinki on 27-29 January 2005, and was set to initiate a confidence-building measure and to agree on a common understanding of the issues. Both parties assessed the probability to address the following issues within the autonomy framework which had been proposed by the government of the Republic: "Long-term socio-economic development and reconstruction, security arrangements, terms for demobilization and reintegration, amnesty, lifting of the civil emergency, guarantees and monitoring of undertakings by the parties, elections, justice and human rights." The parties met separately with Ahtisaari, and had meetings with the parties and the mediator, followed by a bilateral talk between the parties without the participation of the mediator (Ahtisaari 2005b; Crisis Management Initiative 2005f, 2008a).

The second round of talks was held in Helsinki on 21-23 February 2005, in which the same issues of the previously proposed autonomous framework and agenda of mediation were mainly discussed. As a breakthrough, the GAM proposed their concept of "self-government" to have an "overarching" relation with the national government instead of special autonomy, which was the first time the GAM admitted the possibility of a non-independence solution for Aceh (Ahtisaari 2005b; Aspinall 2005: 25-26).

In the third round of talks in Vantaa, Finland on 12-16 April 2005, the parties discussed conditions of cease-fire and how to reintegrate the GAM members into the local Acehnese society with the "economic arrangements," in addition to the same issues discussed in the second round. Ahtisaari reportedly acted as a formulator of the agenda of talks on the basis of non-independence principle of Aceh (Ahtisaari 2005c; Crisis Management Initiative 2005a, 2005c, 2005h, 2005m).

As a result of the third round of talks, the parties agreed on the "guiding principles

of the continuation of the negotiation process,” which included their aims for “a permanent and comprehensive solution,” “the framework for the local administrative structure of Aceh,” “the form of participation in local elections,” “the details of providing amnesty,” “[t]ransparency ... for the collection and allocation of revenues between the central government and Aceh,” the “involvement of regional organizations in monitoring the commitments ... by the parties,” and “restrain[ing] ... security forces in the field during the negotiation process” (Ahtisaari 2005c; Crisis Management Initiative 2005a, 2005c, 2005h, 2005m).

The fourth round of talks, which was held in Vantaa on 26-31 May 2005, marked a considerable development in monitoring procedures of the prospective agreement. The parties concentrated on security issues and the future agreement, which was observed by experts from the European Union. These experts consisted of the EU council Secretariat and the European Commission, whose jurisdiction covers administration, executive, and legislation of the Union (Ahtisaari 2005c; Crisis Management Initiative 2005d, 2005g, 2005j). Before moving to the concluding process of the talks, the parties and the mediator arranged the appropriate conditions to assure the implementation of the agreement to focus on the contents of the prospective final agreement.

The fifth round held in Vantaa on 12-17 July 2005 was the final round before the signing of the agreement. In this round, the parties tried to finalize the draft of agreement prepared by Ahtisaari and CMI. Drafts were revised several times between intermissions of talks of this round, and issues of political participation of the local Acehnese people and local security forces were intensively discussed (Crisis Management Initiative 2005b, 2005e, 2005i).

Despite efforts to keep confidentiality of the talks, information had leaked well enough to allow outsiders to know the procedure, which undoubtedly made the concessions of the parties much more difficult to draw. While other issues were easier to agree on discussion of acknowledgement of local political parties in Aceh by the government of the Republic reached the deadlock, which possibly could have ruined the conclusion of the agreement (Aspinall 2005: 37-38, 40; BBC News 2005b).

Although the government did not directly allow the acknowledgement in question, it made a compromise to end the deadlock by publicly promising to allow ex-GAM members to run for the general elections to choose executive officials in Aceh instead. At last, bilateral talks between the two parties produced the final agreement in the form of “the Memorandum of Understanding,” which was approved by the president of the Republic and initialed by the parties on 17 July 2005 (Aspinall 2005: 37-38, 40; BBC News 2005b; Crisis Management Initiative 2005b, 2005e, 2005i; GOI & GAM 2005).

On 15 August 2005, “The Memorandum of Understanding” was signed by the two parties in Helsinki, witnessed by those from the two parties, CMI, officials of ASEAN countries, Finland, the United Kingdom, the EU and the European Commission. The

contents of the “Memorandum” (Helsinki Accord) were defined much more in detail especially as to the implementation procedures than the previous peace accord mediated by the Henry Dunant Centre (Crisis Management Initiative 2005k, 2005l, 2008a).

Agreements of the following issues are codified into the “Memorandum”: legal background of the governance of Aceh, rule of law political participation, economic and security arrangements, human rights issues including amnesty, new human rights court, commission for truth and reconciliation, and reintegration of the ex-combatants into the society, monitoring mission of the implementation of the agreement, and dispute settlement procedures (Ahtisaari 2005a; Aspinall 2005: 42; BBC News 2005b; Crisis Management Initiative 2005k, 2005l, 2008a).

The Helsinki Accord was expected to require the legislation of the Republic to enact new laws on the framework of the governance of Aceh, and allow more international support to rebuild Aceh (Ahtisaari 2005a; Aspinall 2005: 42; BBC News 2005b).

Soon after the signing of the “Memorandum,” the Aceh Monitoring Mission (AMM) was launched on 15 September 2005 to monitor the implementation of the contents of the “Memorandum” by both parties. The AMM consisted of Brunei, Malaysia, the Philippines, Singapore, Thailand, the European Union, Norway, and Switzerland. It was the “first European Security and Defense Policy operation” conducted in Asia, which was associated with ASEAN countries as well (Crisis Management Initiative 2008a).

The presence of the AMM was expected by the GAM and the prime minister of the state of Aceh to limit the unjust conduct by the Indonesian government force and its proxy militia to attack disarmed and demobilized GAM members as they did in places such as East Timor, Papua, and Sulawesi (Ahtisaari 2005a; Crisis Management Initiative 2008a; Feith 2007; Mahmud 2005).

The purpose of the AMM was to assist the implementation of the Helsinki Accord by the parties. Its mandate, set by “Council Joint Action 2005/653/CFSP on the European Union Monitoring Mission in Aceh” of the European Union Council, is as follows: “a. Monitoring the demobilization of GAM and monitor and assist with the decommissioning and destruction of its weapons, ammunition and explosives”; “b. Monitor the relocation of non-organic military forces and non-organic police troops”; “c. Monitor the reintegration of active GAM members”; “d. Monitor the human rights situation and provide assistance in this field in the context of the task “a.” “b.” and “c.” as defined above”; “e. Monitor the process of legislation change”; “f. Rule on disputed amnesty cases”; “g. Investigate and rule on complaints and alleged violations of the MoU [“the Memorandum of Understanding”]”; “h. Establish and maintain liaison and good cooperation with the parties” (Lahdensuo 2006: 11).

When the AMM and bilateral negotiations between the parties could not manage the dispute, the Chairperson of the Board of the Crisis Management Initiative, Ahtisaari, was

supposed to settle it. CMI was financially supported by the European Commission Rapid Reaction Mechanism, Norway, and the Switzerland, to take a responsible role in the dispute settlement procedures set by the Helsinki Accord (Crisis Management Initiative 2008a).

Evaluations on the work of the AMM were, in fact, highly positive in general, though there existed at least one case of “sexual misconduct” by the AMM monitoring staff, for which the AMM formally apologized. By 31 December 2005, the GAM submitted a project number weapons to the AMM, while the government of the Republic withdrew its armed forces according to plan, as the Helsinki Accord had designated (Crisis Management Initiative 2008a, 2008b; Lahdensuo 2006: 31; The Aceh Monitoring Mission n.d.).

On 11 July 2006, Indonesian legislation enacted the renewed law on Aceh Administration to follow the provision of the Memorandum. The enactment had been thought to be a hard task as members of the Indonesian parliament were reported to be reluctant to accept the Helsinki Accord due to their noninvolvement into the peace negotiation in Finland. However, the outcome of the CMI mediation was legally materialized after all. The GAM was virtually allowed to form a local political party (Crisis Management Initiative 2008a, 2008b; Koran Tempo 2006).

The initial mandate of the AMM expired on 15 March 2006. However, because reintegration of GAM members was delayed and not completed, the AMM mission was extended firstly until 15 June 2006, and eventually until 15 December 2006 (BBC News 2005a; Crisis Management Initiative 2008a, 2008b; International Crisis Group 2006: 1, 8, 9, 10; Koran Tempo 2006; Lahdensuo 2006: 31; The Aceh Monitoring Mission n.d.).

Recently there have been no major conflicts between the GAM and the government of the Republic. On 15 August 2006, observance of the ceasefire and other contents of the Memorandum was celebrated by CMI. Eventually, in August 2008, the founder of GAM, Hassan di Tiro returned from his exile to Aceh, and was reportedly welcomed by locals (Al Jazeera and Agencies 2008; Koran Tempo 2006).

IV. Analysis

This part examines the relevance and impact of major arguments of the standard literature on third-party mediation of three case studies. More precisely, it examines the impact of contextual and process variables on the dependent variable. Two other contextual variables, party cohesiveness and the international context, are also evaluated, as these factors played critical roles in the cases in question.

1. The Moro National Liberation Front (MNLF) Case

(1) The Impact of Party Cohesiveness

In the context of third-party mediation, party cohesiveness refers to the capacity of the contending parties to fully commit themselves to the mediation process and abide fully by whatever negotiated agreement is eventually reached.

The GRP's cohesiveness as a negotiating party was largely ensured by the fact that the country's then elected president, Fidel Ramos, was the former military head of the armed forces that saw to it that the entire military and police forces supported the negotiations process.

This was important because earlier failed attempts to negotiate with the MNLF by the Aquino presidency was seen as a weakness of the government by significant sectors of the military. Thus, the potential opposition by the military to the negotiations process was undercut by the assumption into the presidency of a leading general. On the part of the MNLF, the critical negotiations period also coincided with the decline in its military and political strength and the leadership under Misuari and the rank and file fully supported the negotiations process.

(2) The International Context

The international context had a great impact on the outcome of mediation in the case of the MNLF. The OIC, and especially Libya and later Indonesia, were active in promoting peace negotiations between the MNLF and the GRP. The OIC and its members took advantage of the international context, which is dependence of the parties on the OIC and its members. As a strong supporter of activities of the MNLF, the OIC was able to pressure the MNLF to accept mediation by its member states. As for the GRP, Libya pressured the Marcos administration, whose oil supply largely depended on the import from the OPEC countries, by threatening to reduce oil supplies, since many OIC countries also belong to OPEC.

Moreover, the Philippines is geopolitically surrounded by Muslim countries that are member states of the OIC. Furthermore, some of the OIC member states, particularly Saudi Arabia and the Gulf States, hosted substantial numbers of overseas Filipino workers. Thus, the GRP was also careful not to antagonize OIC countries hosting significant numbers of overseas contractual Filipino workers.

(3) The Role of the Mediator

The degree of impartiality of the mediator has a weak impact on the outcome of

mediation for the MNLF conflict. The mediators of the MNLF case were Muslim-dominated countries and powerful members of the OIC, which in fact provided political and material support to the MNLF. Hence, the consent of the GRP to accept these mediators means relative marginality of the quality of impartiality in the case.

The leverage of the mediator strongly affected the outcome of the peace process between the MNLF and the GRP. The two mediators (Libya and Indonesia) actively used their leverage as major members of the OIC. Libya and the other oil exporting OIC members exerted pressure on the Marcos administration through the latter's dependence on oil. Both Libya and Indonesia also pressured the MNLF to abandon its claim for independence and negotiate for substantial regional autonomy as an alternative. As a result, negotiations between the parties with the presence of mediators became possible and eventually led to the agreement.

Nevertheless, the mediators did not have enough leverage to support the appropriate implementation of the peace agreement. Hence, leverage of the mediators had impact on the conclusion of the peace agreement but not on its implementation.

The status of the mediators in the case of the MNLF conflict had a strong influence on strengthening their leverage and the outcome. As mentioned before, membership of international organizations such as that of the OIC increased the leverage that the mediators in question resort to for the mediation. Moreover, as equally sovereign states, the mediators were able to negotiate with the GRP as legitimate mediators on the consent of involvement. Due to the status of the mediators, the parties were required to respond sincerely to requests of the mediators.

(4) Process Variable

Finally, the process condition of mediation for the MNLF conflict had strong impact on the outcome of mediation. Directive and manipulative conduct by the mediators obviously had a large influence on the outcome of the case. Libya as the main supplier of arms and trainings for the MNLF was in a very strong position to give pressure not only to the GRP, but also to the MNLF. During the negotiation, Libyan Foreign Minister Abdelsalem Ali Treki, as a mediator, directed negotiations between the two parties in Tripoli in December 1976. Other mediators of the OIC and negotiators of the MNLF were reported to be submissive as mentioned before. Without being proactive in the mediation process, the mediators of the case could not have achieved the final agreement.

2. The Moro Islamic Liberation Front (MILF) Case

(1) The Impact of Party Cohesiveness

Party cohesiveness of the GRP and the MILF had strong influence on the outcome of

mediation by Malaysia. Arroyo's lack of strong support from local politicians and Congress, especially its upper house, the Senate, prevented her from decisively concluding the peace talks with the MILF. Moreover, the institutional independence of the Supreme Court also illustrates the problem of working out a cohesive response on the side of the GRP.

Thus, the level of cohesiveness of each party exercised strong impact on the outcome of the mediation between the MILF and the GRP. Even while Malaysia as mediator had leverage and took an appropriate approach in the mediation process, the lack of cohesiveness within the GRP undercut the negotiated agreement.

(2) The International Context

The United States committed to provide substantial economic aid to the conflict-ridden areas once a peace agreement was concluded between the GRP and the MILF. Thus, both of the parties were motivated to make progress to some extent in resolving the conflict.

Moreover, in October 2006, Japan started to participate in the International Monitoring Team (IMT) led mainly by Malaysia to oversee the observance of agreed ceasefire by the parties. As one of the biggest donors of ODA and loans to Mindanao, Japan sent a technical expert on socio-economic development to join the IMT.

These commitments contributed to maintain the motivation of the parties to deal with peace negotiation by offering the expectation to gain support in return for successful peace negotiations. In fact, the MILF created a special body, the Bangsamoro Development Authority (BDA), to coordinate the acceptance and implementation of various aid packages. Prospective financial and development aid in the region increased motivation of both parties to conclude a substantial peace agreement.

(3) The Role of the Mediator

The degree of impartiality had weak impact on the outcome of mediation in the case of the MILF conflict. As also seen in the case of the MNLF and GRP, impartiality of the mediator is a minor prerequisite of being a mediator. While Malaysia is a Muslim-dominated country and a member state of the OIC and had given support to the Muslims in Mindanao, its impartiality in the mediation process was not an issue. In fact, Malaysia's reception by both parties was highly positive.

The leverage of the mediator had a strong but not decisive influence on the outcome of mediation. Enhanced by the effect of its status, as explained in the following section, the leverage of Malaysia over the MILF and the GRP seems to have been a major determinant, but not the decisive factor of the outcome. Despite its strong leverage, the Malaysian mediation process was derailed by internal political problems especially affecting the GRP over which it had no control or influence.

The status of Malaysia as a mediator seems to be an essential prerequisite of its leverage. Aside from being an influential OIC member, Malaysia has significant political and economic resources that it could use as a mediator. It presented itself as a major investor in Mindanao once the conflict is settled. It also hosts a significant number of overseas Filipino contractual workers. Moreover, its experience in dealing with domestic multi-ethnicity through its modernized federal system and its successful system of affirmative actions for the hitherto impoverished majority Muslims in Malaysia were also attractive models for the MILF.

(4) Process Variable

The process variable had a positive impact on the course of the mediation procedure. As a mediator, Malaysia played a very active role and combined the functions of a communicator, formulator, and manipulator. The main feature of the mediation activity of Malaysia was the concurrent conduct of hosting, monitoring, and developing the mediation procedures. Malaysia hosted talks between the two parties, monitored the implementation of the ceasefire by the parties as the lead state member of the International Monitoring Team (the IMT), and developed the implementation capability of the parties through capacity building measures.

Malaysia also often used shuttle diplomacy, a covert and informal style of diplomacy, to maintain communication between the parties even during the deadlock or suspension of the negotiation. By leading the IMT, it offered necessary conditions for concentration of the parties into negotiation on difficult issues. It also formulated the agenda of negotiations and resolved less contentious issues prior to the most divisive issues such as the ancestral domain so that the parties could feel progress in their confidence building and keep motivated in negotiations. Finally, Malaysia directed the resolution of the conflict in a way that the MILF lifted its claim for independence and tried to advance the negotiation by using threat on occasion.

3. The Free Aceh Movement (GAM) Case

(1) The Impact of Party Cohesiveness

The cohesiveness of the parties strongly affected the outcome of mediation between the GAM and the Indonesian government. In 2004, Gen. Yudhoyono was elected president of Indonesia and he presided over a positive environment for the peace process. The command of both parties to their soldiers to respect demobilization and demilitarization of the conflict was successfully observed. As in the case of President Ramos, Yudhoyono, a former ranking general, maintained sufficient control over the military and ensured the overall cohesiveness of the administration to assure policy consistency in the peace negotiation.

(2) The International Context

The international context played a significant role in the case of Aceh. The huge tsunami on 26 December 2004, which destroyed Aceh, compelled the two parties to resume the peace talks. The parties realized that they had to make mutual concessions to rescue Aceh. The devastation of Aceh and the massive outpouring of international aid created a unique opportunity for the two parties to resume peace talks and join hands in reconstructing Aceh.

Moreover, the tsunami also provided the European Union with an opportunity to implement its Common Foreign and Security Policies (CFSP) outside its region. As its first CFSP initiative in Southeast Asia, the EU offered resources to support the operation of the Aceh Monitoring Mission. This EU support vastly facilitated the mediation role of the CMI under Ahtisaari.

(3) The Role of the Mediator

The impartiality of the mediator strongly and positively affected the progress of mediation by the CMI. It maintained its impartiality throughout the negotiation process. The CMI's proposal for GAM to abandon its claim for full independence was seen by GAM as an impartial effort to formulate agreeable solutions for both parties. This favorable reception was facilitated by the fact that CMI was seen as a small but highly credible NGO with no hidden agenda in mediating the conflict.

The leverage of the mediator was not a strong factor on the outcome of the mediation. As already mentioned, CMI had much less leverage than state actors did, for it is a small NGO. Its expert knowledge and prestigious leadership together with the support of the European Union, Finland, and the Netherlands certainly enhanced its leverage but these factors were not intrinsic to its status as a mediator.

The status of CMI as a mediator strongly affected the outcome of mediation. Ahtisaari's personality and established track record as a former head of state and diplomat enabled CMI to gather support from other organizations and states and command the trust of both parties to the conflict. Although CMI was a small NGO, its connection with the European Union and its member states provided it with necessary resources and further enhanced its mediating role.

(4) Process Variable

Finally, the process conditions strongly affected the outcome of mediation by CMI. Ahtisaari reportedly acted as a formulator of the agenda of talks that facilitated discussions away from the original secessionist demands of GAM. The CMI was also active in the implementation phase of the peace agreement.

V. Findings

Based on the case studies, the three major standard hypotheses and findings in the literature on third-party mediation identified earlier can now be evaluated. First, between the context and process variables of third-party mediation in question in case studies above, the process factor is not less important than the contextual factors. On the contrary, the process factor played a very strong impact on the outcome of mediation in all the three cases. In all these cases the mediators actively took roles as communicators and formulators. All the mediators involved in the cases played active and direct roles up to the point when the formal peace agreements were concluded even while the subsequent outcomes differ from case to case.

Second, among the contextual factors of third-party mediation in aforementioned case studies of internal armed conflicts, the party cohesiveness and the international context seem to be much more influential to the final outcome of mediation than was expected. Party cohesiveness and the international context had a great impact on the outcome of mediation. In the cases of the MNLF and Aceh, presidential influence and control over the military ensured enough cohesiveness by the governmental side to keep the mediation process on the right track by assuring observance of implementation of the agreement by the government. In contrast, in the MILF case, the lack of cohesiveness on the side of the government in terms of the support for Arroyo's presidential decision-making undercut the formal signing of the negotiated memorandum of agreement.

The international context had great impact on all the three cases. The leverage of the mediator was highly dependent on the parties' dependence on the OIC countries as an international context in the case of the MNLF. Expectations for prospective aid after the final peace agreement stimulated both parties to make progress in the negotiations in the case of the MILF. International concern for Aceh after a disastrous tsunami provided powerful conditions and opportunities for both parties to make concessions on their demands to prioritize the rehabilitation of the Acehnese people.

As predicted by the standard literature, among the characteristics of the mediator, the status and leverage factors may exercise the greatest influence on the final outcome of mediation while impartiality of the mediator the least. The case studies also indicate that the status and leverage of the mediator are closely interlinked and hence have to be considered together. In both the GRP-MNLF and GRP-MILF cases, the important source of

leverage of the mediators comes from their status as influential members of the OIC. In the Indonesia-Aceh case, the CMI was able to compensate for its relatively low leverage with its status as an NGO with strong linkages to the EU, enhanced also by the status of its well-known leader, former Finnish president Ahtisaari.

Furthermore, as a new finding of this research, the conceptualization of the impact of leverage needs to be analyzed using at least three levels: the leverage to initiate the mediation process, leverage to conclude the peace agreement, and leverage to implement the contents of the peace agreement. Thus, in the case of the GRP-MNLF mediation, the mediator had leverage to initiate and conclude the mediation process but lacked the leverage to oversee or monitor the implementation of the key contents of the peace agreement. In the case of the GRP-MILF mediation process, the leverage of the mediator was effective from the initiation to the conclusion of the negotiated agreement but was helpless in preventing the aborted signing of the agreement due to the serious problem of the lack of party cohesiveness on the government side. In the case of the Indonesia-GAM mediation, the EU-backed leverage of the mediator was felt through all the three stages, a process enhanced by the confluence the international context and the strong party cohesiveness of the contending parties.

VI. Conclusion

The findings of this research based on three case studies show some interesting variations on the three major hypotheses and findings of the standard literature on the factors involved in effective third-party mediation in internal armed conflicts.

First, the process conditions or variables play at least as important a role as the contextual variables. How the mediator selects, combines and accentuates its role as a communicator, formulator, and manipulator of the mediation process is a major factor in determining the outcome of the process.

Second, among the contextual variables, the impact of party cohesiveness and the international context need to be carefully analyzed together with the characteristics of the mediator. In the standard literature, the characteristics of the mediator oftentimes command the most attention as the most important contextual variable. However, the case studies show that both party cohesiveness and the international context are essential contextual variables that cannot be underplayed.

Finally, as predicted and assumed by the standard literature, among the factors of

characteristics of the mediator, impartiality is not the most important. Rather, the status and leverage of the mediator are more important in determining the final outcome of the process. Moreover, the leverage of the mediator can be analyzed at three substantive levels of the mediation process: the initiation phase, the conclusion of the agreement, and the implementation of the agreement.

Findings of this paper also have implication on the studies of the integration in the Asia-Pacific region. Intra-regional actors can provide necessary function of mediation as a non-institutionalized conflict resolution procedure even in an informal and ad hoc manner. Extra-regional actor can contribute to the stability of the region as a prerequisite for regional integration without resorting to the military capability. Although institutionalized efforts of conflict resolution might contribute better to the stability and eventual regional integration, non-institutionalized efforts have significance when the institutionalization cannot take place. When certain conditions such as status of the mediator and party cohesiveness are properly met, the act of mediation demonstrates that regional integration is enhanced without institutionalization and promoted by extra-regional actors. This conclusion has a positive implication to the course of the integration in the Asia-Pacific region and its studies, in which institutionalization and cooperative initiatives of intra-regional actors are often regarded as much scarcer than cases of other regions such as Europe, Americas and Africa.

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