

The Effectiveness of Third-Party Mediation in Internal Armed Conflicts: Cases of Mindanao and Aceh

Takeshi ODAIRA *

I. Introduction

This paper identifies and analyzes the key factors involved in explaining the effectiveness of third-party mediation in internal armed conflicts in the contemporary world. 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 variables in determining the final 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.

* Research fellow at Global Institute for Asian Regional Integration (GIARI); doctoral student at Graduate School of Asia-Pacific Studies (GSAPS), Waseda University.

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, which is practiced by the parties to the conflict and third parties as mediators (Bercovitch & Rubin, 1992, pp.2, 4-5, 7; Crocker, 2007, p.2; Crocker, Hampson & Aall, 1999, pp.5, 7; Horowitz, 2007, p.51; Williams & Williams, 1994, p.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, p.7). In this light, this study adopts Kleiboer's way of classification (2006, pp.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 its 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 on the mediation activity.

As the second major independent variable, the process variable indicates the activeness of involvement of the mediator into 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, the characteristics of the mediator such as impartiality, leverage, and status (a contextual variable) dynamically relate to the behavior of the mediator (a process variable) but 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 where 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 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 briefly explain 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, pp.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.

Actually, 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 (2001, p. 434) suggest that mediators have to be regarded merely as not so partial to either side. For the mediator to have a special connection with one side is not necessarily a reason for disqualification but could work positively. Williams and Williams (1994, pp.10-11, 111-112) claim that oftentimes it is necessary for the mediator to show such connections as a clue to their potential capability in influencing the mediation outcome. In reality, as Williams reports,

many local people in conflict sites have also been involved in mediation.

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, pp.1-2; Crocker, Hampson & Aall, 1999, pp.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, pp.1-2; Crocker, Hampson & Aall, 1999, pp.681, 693). Nevertheless, according to Young (2006, p.142), most researchers do not conclude that the more physical power a mediator possesses, the more successful it can act. 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, p.686; Rubin, 1992, p.255; Touval & Zartman, 2001, pp.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, p.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, p.353; Williams & Williams, 1994, p.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 as a component of the status 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,” through “facilitative,” and 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, p.8; Touval & Zartman, 2001, pp.435-436; Young, 2006, p.143).

However, researchers often argue that the process condition may exercise less influence over the mediation outcome than the contextual variables, and the characteristics of the mediator in particular, may 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 (2006, pp.360-361) argues that among various definitions of a successful outcome of mediation, “Goal-based

approach,” which assesses the degree of success of a certain objective of the mediation, seems to be studied the most and many discussions including criticisms are available in the literature.

III. Case Studies and Analysis

This part examines the relevance and impact of the major arguments and findings 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 Nature of the Dispute

The Moro National Liberation Front (MNLF) was established in 1970 by a new generation of educated Muslim militant leaders to fight for a Moro homeland in the Southern Philippines where most of the Muslim people in the country are concentrated. Mindanao Island in the southern Philippines used to be overwhelmingly populated by the local Muslims but is now dominated by the descendants of Christian settlers who have migrated to the island for the last eight decades.

Since the MNLF was supported by the Organization of the Islamic Conference (OIC), an organization influential for Muslim states, the mediator role was taken by member states of the OIC, namely Libya and later by Indonesia (Harish, 2005). The two parties, the government of the Republic of the Philippines (GRP) and the MNLF, concluded the final peace agreement in 1996, provisions of which included a new autonomy framework for the existing Autonomous Region of Muslim Mindanao (the ARMM). Consequently, the MNLF participated in the ARMM elections and the founding chair of the MNLF, Nur Misuari, was elected ARMM governor. However, in 2001, Nur Misuari led a failed uprising against the central government and armed hostilities between

the MNLF and the GRP forces have erupted intermittently since then.

(2) 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 elected president then, Fidel Ramos, was the former military head of the armed forces who 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.

(3) 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 dependent on 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 (Harish, 2005; Rivera, 2006).

Moreover, the Philippines is geopolitically surrounded by Muslim countries

which 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 (Rood, 1998).

(4) 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 very 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 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 very strong influence on strengthening their leverage and the outcome. As mentioned before, membership of international organizations – especially 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.

(5) Process Variable

Finally, the process condition of mediation for the MNLF conflict had very 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. As the main supplier of arms and training for the MNLF, Libya was in a very strong position to pressure not only the GRP but also 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 to Treki (Harish, 2005). 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 Nature of the Dispute

The MILF is another armed Muslim movement in the Southern Philippines that earlier split from the MNLF partly because of Islamic identity issues. In the Southern Philippines, the issue of ancestral domain, or Muslims' claim to their traditional homeland, was not resolved by the final peace agreement between the MNLF and the GRP. The MILF was not a party to the GRP-MNLF peace negotiations and had consistently refused to participate in the ARMM elections, as it continued to fight for an independent Muslim homeland in Mindanao. They have not stopped fighting against the GRP forces (Bertrand, 2000; Gutierrez & Borrás, 2004; Yom, 2001).

In January 2001, the new President of the GRP, Macapagal-Arroyo, requested that Malaysia mediate the peace talks with the MILF (Santos, 2003, p.5). After a long process of peace negotiations mediated by Malaysia, the parties finally concluded the negotiation and the formal signing of the agreement

was scheduled to be in 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” between the GRP and the MILF to be unconstitutional and the formal signing of the agreement was cancelled. The Senate of the Philippines, the local politicians representing Christian populations in Mindanao and the opposition political parties were against the signing of the “memorandum,” because they were not fully consulted particularly on the issue of ancestral domain. The legal opposition also suspected the Arroyo administration of using the peace agreement as an entry point for amending the constitution to extend her term or shift to a parliamentary system to enable her to continue to hold power. With the aborted signing of the negotiated memorandum of agreement on ancestral domain, the peace talks between the GRP and the MILF collapsed and armed hostilities have resumed (Kohno, 2008, p.2).

(2) The Impact of Party Cohesiveness

Party cohesiveness of the GRP and the MILF had very 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 very 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.

(3) 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 (Santos, 2003, p.25; Simon, 2004).

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 (Lam, 2007).

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 (Lam, 2007). 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.

(4) 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.⁽¹⁾

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

(1) Based on a lecture of Anasarias, Ernesto (Staff of Monitoring Ceasefire in Mindanao, Balay Rehabilitation Center) at International Christian University (ICU), Tokyo on 19 October 2007 and on interviews with Ali, Mohajirin (Peace Panel Secretariat, Member of the MILF) and Nograles, Karlo Alexi (Chief of Staff, Office of House Speaker, the Philippines) at National Graduate Research Institute for Policy Studies (GRIPS), Tokyo, on 13 November 2008.

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 (Maragay, 2006; Rapoport, 1996; Rivera, 2006, p.106; Santos, 2003, pp.21-23).

(5) Process Variable

The process variables had a very 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.⁽²⁾

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

(2) Based on a lecture of Anasarias, Ernesto.

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 (Kohno, 2008, p.2; Maragay, 2006; Santos, 2003, pp.3-4, 7-8).

3. The Free Aceh Movement (GAM) Case

(1) The Nature of the Dispute

Seeking the independence of Aceh from Indonesia, the Free Aceh Movement (GAM: Gerakan Aceh Merdeka) had fought the armed forces of the Republic of Indonesia for a long time, although mediation had also been tried for several times between the two parties (Aspinall, 2005, pp.88-89; International Crisis Group, 2006; Ross, 2005, pp.43-44, 47, 49, 50-51). After a huge tsunami struck Aceh on 26 December 2004, mediation between the GAM and the Indonesian government was undertaken by the Crisis Management Initiative (CMI), a small NGO led by Martti Ahtisaari, a former president of Finland (Aspinall, 2005, pp.vii-viii; Ross, 2005, p.51).

On 15 August 2005, the final peace agreement, or “The Memorandum of Understanding,” was signed by the two parties in Helsinki. The contents of the “Memorandum” (Helsinki Accord) included provisions to provide autonomy for Aceh, a monitoring mission for the implementation of the agreement, dispute settlement procedures, and reintegration of the ex-combatants into society. The successful implementation of the memorandum provisions was monitored by the Aceh Monitoring Mission (AMM) led by the EU and ASEAN countries (Ahtisaari, 2005b; Aspinall, 2005, p.42; Crisis Management Initiative, 2005e, 2005f and 2008g).

(2) 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 reassure policy consistency in the peace negotiation (Aspinall, 2005, pp.vii-viii; Ross, 2005, p.51).

(3) 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 (Aspinall, 2005, pp.vii-viii; Ross, 2005, p.51).

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 (Aspinall, 2005, pp.vii-viii; Ross, 2005, p.51).

(4) 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, 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. Though 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.

(5) Process Variables

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 (Ahtisaari, 2005a; Crisis Management Initiative, 2005a, 2005b, 2005c and 2005d). The CMI was also active in the implementation phase of the peace agreement.

IV. 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 had 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

where 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.

V. 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 can not 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.

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The Effectiveness of Third-Party Mediation in Internal Armed Conflicts: Cases of Mindanao and Aceh

<Summary>

Takeshi ODAIRA

What are the factors of effective third-party mediation in internal armed conflict in the contemporary world? To answer this research question, the following hypotheses are proposed: 1) The contextual factors are more influential than the process factor to the final outcome of mediation; 2) Among the contextual factors of third-party mediation in internal armed conflicts, the characteristics of the mediator are the most influential to the final outcome of mediation; 3) Among the characteristics of the mediator, the leverage of the mediator exercises the greatest influence on the final outcome of mediation while the impartiality of the mediator the least.

To examine these hypotheses, two cases from the Southern Philippines (the MNLF and MILF) and one case from Indonesia (Aceh) are examined. These are all international third-party mediation in internal armed conflicts between the secessionist Islamic rebels and the ASEAN member states.

The findings of the research diverge from what the proposed hypotheses asserted on the relationship between the effectiveness of mediation and its factors influencing it, though many researchers asserted their relevance.

First, the process conditions or variables play at least an 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. Since case studies revealed that active engagement of the mediator in the mediation process as well as its conditioning of the appropriate context of negotiations and implementation phase have a valid effect on the progress of mediation process and its outcome, the process variable needs to be treated at least as important as the contextual variables in assessing the effectiveness of a certain case of mediation.

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 can not be underplayed. Cohesiveness of the government side in the MNLF and the Aceh case made contrast with the case of the MILF, in which Arroyo did not maintain cohesiveness and failed to sign the agreement. In the MNLF case, the presence of the OIC affected much the conducts of the parties. In the MILF case, expectations for more aid in return for the peace agreement stimulated motivation of the parties. In Aceh case, international concern for Aceh due to the tsunami was indispensable to make the parties involved in mediation process. Although these two variables were not covered by the proposed hypotheses, significance of these are among essential findings of the research.

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. In the case of the MNLF and the MILF, the mediators had enough leverage to initiate and conclude the peace negotiations among the parties, but not enough leverage to implement, while the mediator of the Aceh case had sufficient leverage in all the three categories.