

CHAPTER I

PREFACE

In the world history, there have been many stories about separatism, such as the Soviet Union (which after its collapsed in 1985 split into 15 States), Pakistan (in 1971 spilt into Bangladesh and The Islamic Republic of Pakistan), Czechoslovakia (into Czech Republic and Slovakia, Indonesia with East Timor , and Thailand with its Pattani movement.

Separatism emerged for several reasons; among others are different ideology, disappointment, provocation, and rejection. What were been so interested in a case of separatism were the dynamics of the conflict and the politics circled it. Mindanao conflict was one of a unique separatism conflicts that ever happened. It was a combination of a religious-sentiment (primordial) conflict and politics-interest (constructivist) conflict.¹ One of the things that were very interesting in this case was the fact that the Final Peace Agreement 1996 was finally signed, when there were too many conflicts happened, when both conflicting parties simultaneously defending their each others ego and refused peace so that couldn't possible to find opportunity to ran any negotiation. The question was why?

¹Surwandono, "*Dinamika Konflik dan Negosiasi (studi: Ketidakefektifan Implemetasi Final Peace Agreement Dalam*

A. Background

Mindanao conflict, is a unique conflict which firstly caused by the unwillingness of its society to be integrated into the Philippines exclusive territory, which then developed to be an armed conflict that spent enormous victims, and then to be a conflict of political interest among the elites actors.

The conflict was started in the time of Spain colonization in 1521. The Spain was use military forces in order to conquer the Mindanao Island, but the Spain was never gain anything there except the foot stand. The Mindanao society rebel the colonization of Spain time by time for more than 350 years. In 1898, the Spain colonization was ended by the United States through the "Paris Agreement". But it was not better the condition of the Mindanao society; on the contrary, the second wave of colonization in the Mindanao was taken over by the United State. Different from the previous Spain colonization, the US regime was not use military forces in order to conquer the Mindanao Island, but it used softer way through political concessions and political penetrations. The colonization of the US took place for 47 years which then ended by the establishment of the Philippines commonwealth in 1935. The policy of the new Philippines government which would include the Mindanao Island to be one of the Philippines exclusive territories and the betrayal of the US toward the Mindanao society, emerging the case fire coming from the Mindanaoan youths and combatants. Rebellion and the demand for self- separation / independence were continued to run.

The bloodiest era of the conflict was in the time of Marcos administration, where there were many killing and torturing. These phenomena then led the elites Sultanate, combatants, and youths of the Mindanao to create a legal political Organization in order to increase the level of rebellion and to gain attention as well as support from the International Community. Several political Organization were then established, but along with the development, the MNLF was the one that known as the official representative of the Mindanao society especially the Muslims.

The MNLF then increased the struggle to realize the independence of Mindanao by armed conflict with the Philippines army, and conflict Internationalization. The result of the Internationalization was the attention coming from the International Islamic of Conference (OIC) and several Muslim States like Libya, Malaysia, and Indonesia. These International actors then proposed peace way to the both conflicting parties (the Philippines government / GRP and the MNLF as the representative of Muslim Mindanao).

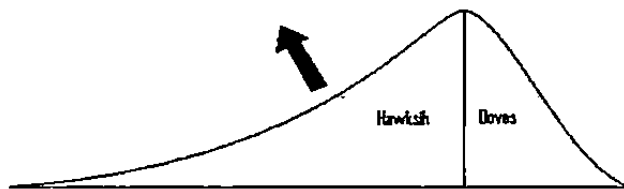
As the result, in 1976, the Tripoli Agreement was signed by the GRP and the MNLF agreeing two points, which are; the establishment of autonomous government in the Southern part of Mindanao under the authority of the Philippines, and the agreement pertained to the 13 Muslim autonomous regions in the southern Philippines.

Conflict between the government of the Philippines and the MNLF was reduced after the signing of the Tripoli Agreement. In theory, after a signing of an Agreement, the condition exist should be better for the two parties conflicting. But

seem unlike that way to this time case. The signing of the Tripoli Agreement was on the contrary emerging many disappointments and protests from various parties. In fact, in this Mindanao conflict, there were more the parties that reject the peace and negotiation, known as the “Hawkish groups” than the parties that wanted peace and negotiation, known as the “Dove groups”. The groups that wanted peace and negotiation to be conducted were only for example the MNLF, the Philippines government, the OIC, and several Muslim countries that were being the mediator. While at that time, the groups that being disappointed by and rejected the Tripoli Agreement were, the Philippines military, the Christian Pilipino society, the MILF, and Abu Sayyaf group.

What happened in Mindanao conflict was a situation as follows. Accords, peace talks, and negotiation were carried out when there were still many parties refused the peace. Hardly possible situation.

Graphic 1



The Philippines Military were disappointed by and the rejected the Tripoli Agreement because according to them, conducting negotiation with a separatist movement was meaning a legitimating toward its existence. What have been done by the GRP these time (settle the conflict by armed forces) were what should be did by a State, for a state have right-to-force toward such kind of separatist movement in its exclusive territory. So it would be better to just eliminate (militarily) the separatist groups and slaughter its entire member. The Christian Philippino society were disappointed by the signing of the Tripoli Agreement because first, the agreement toward the establishment of Mindanao autonomous region would transfer the existence of Christian society which was at that time already dominate the Mindanao population. Second, they considered that Bangsa Moro were abject and inferior which inadvisability to be struggled but should be just finished. While the MILF and Abu Sayyaf groups were separated themselves from the membership of MNLF because once again, they disappointed by the results of the Tripoli Agreement which was not even closer to what they have demanded that was to create an Independent State. Moreover, there were plebiscite ran by President Marcos to re-determined which of the 13 areas mentioned in the Tripoli Agreement would be joined the Mindanao autonomous region. The 10 over 13 regions agreed to join the Mindanao autonomous region made the armed conflict came back on fire, for the Bangsa Moro considered that the government of the Philippines has betrayed the content of the Tripoli Agreement 1976 that has been signed

There were too many resistance and objections after the signing of the Tripoli Agreement 1976, armed conflict even remain occurred, so that seemed mostly impossible to have any negotiation in the front. But then suddenly, there were accords and informal meetings ran by the GRP and the MNLF with the OIC and the Muslim countries as the mediator. First were the Jeddah accord in 1987, and then the 20th ICFM meeting in Istanbul, and the OIC Summit meeting in December 1991 in Senegal. Re-asking to self-separation by Nur Misuari even carried out during the several times meeting such as the 3rd State Conference in Thaif, Saudi Arabia 1981 and the OIC meeting 1991, but it were refused by the forum.

After those meetings, in September 2nd 1996 the Final Peace Agreement was signed by President Ramos and Nur Misuari in Manila, witnessed by the Indonesian Foreign Minister Ali Alatas and the OIC Secretary General Hamid Algabid. But what would be the question is, how come the Final Peace Agreement 1996 was finally signed in the middle of un-conducive situation, when there were more hawkish than the doves, when the two parties conflicting were not ready yet to have any negotiation because they were enjoying the armed conflicts and struggling their interests, when the unripe time forced to be ripe?

B. Research Question

Based on the background explained above, then the research question would be “why the Government of Republic of the Philippines and the MNLF took negotiation process in the Final Peace Agreement 1996?”

C. Theoretical Framework

Based on the research question, the writer will explain the problem using the theory of ripeness by William Zartman. According to this Theory, there are essentially two approaches to the study and practice of negotiation (and its facilitated form, mediation). One, of longest standing, holds that the key to a successful resolution of conflict lies in the substance of the proposals for a solution. Parties resolve their conflict by finding an acceptable agreement—more or less a midpoint—between their positions, either along a flat front through compromise or, as more recent studies have highlighted, along a front made convex through the search for positive-sum solutions or encompassing formulas.²

The other holds that the key to successful conflict resolution lies in the timing of efforts for resolution. Parties resolve their conflict only when they are ready to do so—when alternative, usually unilateral, means of achieving a satisfactory result are blocked and the parties find themselves in an uncomfortable and costly predicament. At that point they grab on to proposals that usually have been in the air for a long time and that only now appears attractive.³

Referring to the first school, the conflicting parties (the GRP and the MNLF) were tried to look for a resolution in the form of an agreement to negotiate their position and interest. The focus of the resolution was lie on the substance of the Agreement proposal. This negotiation process could be through compromises effort

like the giving of political concession to the MNLF or other positive-sum solutions effort. They tried to find the mid-point material which could be accepted by the both parties, since it is impossible to find such very-right solution to fulfill the both parties' interests.

Referring to the second school, the final decision to conduct negotiation was then caused by inconvenient and declines experienced by each of the conflicting parties. AS quoted in Zartman's book, the declines of the both conflicting parties were described in a situation of a "mutually hurting stalemate", and the beneficial situation resulted by both main actors after the willing of negotiation was described in a "mutually enticing opportunity".

...a ripe moment is depicted as a "mutually hurting stalemate" (MHS), which is characterized by a deadlock. The parties are locked into a situation because of an impending catastrophe. In this situation, the disputing parties come to recognize, through a cost-benefit calculation, the sharp increase in costs of further escalation, which limits the use of unilateral strategies and enhances the prospect of a negotiated settlement as the only way out of an escalating situation.⁴

Another way to conceptualize a ripe moment is as a mutually enticing opportunity (MEO), which is distinguished from an MHS by its emphasis on future gains rather than on costs. During a ripe moment, the parties begin to negotiate because they expect to achieve certain goals using alternative strategies instead of conflict.⁵

The both conflicting parties were experiencing very difficult situations where they could not reach their interest, usually unilaterally, if they did not run the negotiation process. So, they then choose to conduct negotiation for it is the most

attractive way out to gain back their interests and possibly gain other additional benefits.

Actually, according to the type of the conflict (separatism conflict), condition happened in Mindanao, and the contrast interests of the each parties (integration and independency); it is impossible to find a perfect solution where each of the parties could satisfy their whole interests, because in this conflict, the goals of one party were blocked by the goals of other party.

So then at this point, they take the alternative that actually have been in the air suggested and effort by the OIC (Organization of the Islamic Conference) and other Muslim countries in order to conduct peace agreement and negotiation. Moreover, 20 years (after the Tripoli Agreement 1976) were a long and enough time to prepare a suitable drafts and substance for a Final Peace Agreement. In addition, the both parties would gain benefits from the signing of the agreement.

D. Hypotheses

The Final Peace Agreement was finally signed by the government of the Philippines and the MNLF because there were mutually Hurting Stalemate (MHS), and the mutually Enticing Opportunity (MEO).

The MHS was a condition where the actor of the each conflicting parties, President Ramos and Nur Misuari, were experiencing difficult situation, decline position, and International pressure, which finally lead them to the option of negotiation. While the MEO were a consequences situation if the both conflicting

parties were engage to conduct negotiation. It is a situation where the each party, Ramos and Misuari, would regain their position and support, as well as financial and political assistance from the International community after they sign the peace Agreement.

E. Method to Collect Data

In this writing, the writer uses several ways to collect the data in order to discuss the problem, they are as follows:

- Media research, collecting the data from media likes the internet in order to find references and sources to accomplish the explanation of the problem.
- Library research, this method used to study the relevant sources in order to discuss the problem (secondary data).
- Data analysis, the data gained from the internet and the library (books), were checked for the relevancy in order to be used as the sources in the final paper arrangement.
- Proving hypothesis, derived from the meaning of the title, the discussion of the problem, and the data analysis.

F. Scope of the Research

In this writing, also according to the theme that would be discussed, the writer will limit the scope of the discussion started from the beginning of the Mindanao conflict until the signing of the Final Peace Agreement 1996. This time limitation used in order to ease the observation of the problem as well as to avoid the complexity of the further analysis.

G. Systematical Writing

The systematical writing was meant to answer the research question and hypotheses that were explained, these would be as follows:

In the first chapter, the writer would discuss about the preface of the topic. It would consist of background of the Mindanao conflict, the research question, theoretical framework, hypotheses, method to collect data, the scope of the research, and the systematical writing.

The second chapter would discuss about the general description of Mindanao Island. Including its geographical situation, its history of conflict, and the dynamic of the conflict resolution.

In chapter three, the writer would go deeper by discussing about the obstacles to conduct negotiation. Where the worst of the conflict situation, made the going of a new further negotiation to be impossible. Started with the experiences of the both conflicting parties on finding that the negotiation which have been conducted was

only resulted a trap, the complexity of the conflict, and the fact that there were more the hawkish than the dove group.

Chapter four would be the answer of the research question. It would consist of the discussion of a mutually hurting stalemate and a mutually enticing opportunity, which caused the negotiation process to be conducted.

The last chapter, chapter five, would be the conclusion of the entire topic.