

Innovation in mediation support: The International Contact Group in Mindanao

Summary

- The International Contact Group (ICG) in Mindanao is the first ever formal *hybrid* mediation support initiative
- It developed organically over 15 years of protracted negotiations
- Diplomats and international NGOs played complementary roles, strengthening the overall value of their participation
- The experience of the ICG suggests that hybrid Contact Groups can be a valuable response to the complexity of long-standing conflicts

The International Contact Group (ICG) for the Mindanao peace process was established in 2009 by the Government of the Philippines and the Moro Islamic Liberation Front (MILF). It is composed of four states – the United Kingdom, Japan, Turkey and Saudi Arabia; and four international non-governmental organisations (INGO) – Conciliation Resources, Muhammadiyah, The Asia Foundation (TAF), and the Centre for Humanitarian Dialogue (HD).

On 15 October 2012, after four decades of armed conflict and 15 years of negotiations, the parties signed a framework peace agreement. This paper explores the role played by the ICG in achieving that agreement, and examines the contribution of hybrid mechanisms to the field of mediation and conflict transformation.

The ICG: functions and mandate

The overarching purpose of the ICG, as defined by the parties, has been to “accompany and mobilise international support for the peace process” and to “exert proper leverage and sustain the interest of the parties as well as maintain a level of comfort that restores mutual trust”.¹ The Government and the MILF agreed to a hybrid Contact Group as a compromise to the MILF’s eagerness to internationalise the peace talks and the Government’s aversion to external interference in domestic affairs.

¹ *Framework Agreement on the Formation of the International Contact Group for the GRP-MILF Peace Process* (September 15, 2009).

Since the negotiating parties had initiated the ICG, they were also responsible for selecting its members. Both peace panels have indicated that key considerations for selection included:

- The strength of support given by the state and relevant experience of the INGO to peace in Mindanao
- Recognised expertise in the field of conflict transformation
- The desire to include both Western and Muslim participants
- The Government's reluctance to include big powers and multilaterals
- The MILF's reluctance to consider countries that provided military aid to the Philippines Armed Forces (such as the US and Australia).

Conciliation Resources was privileged to receive a specific endorsement by a group of local civil society organisations, which wrote to both peace panels requesting the inclusion of the organisation in the ICG. Conciliation Resources' involvement in Mindanao dates back to 1999 when it documented the Mindanao peace process in its *Accord* publication, *Compromising on Autonomy*.² In the following years its relations with local NGOs developed further, evolving into comparative learning exchanges to share lessons from other peace processes.

The ICG at work

Peace talks formally resumed in December 2009 in Kuala Lumpur, 15 months after the 2008 breakdown. The parties were to meet a further 16 times before a framework agreement was signed in October 2012.³

The ICG functioned, both inside and outside the talks, in a number of ways:

Supporting progress of formal negotiations

Before each round of talks members would meet in Manila to share information and expectations. During talks ICG members would quietly observe and take notes, occasionally responding to requests from the parties or the facilitator to comment on an issue. If talks became stuck, the ICG would meet with the facilitator and shuttle between both panels to identify common ground or other ways forward. Occasionally, one or both parties asked the ICG to produce draft documents for the discussions, such as terms of reference for some of the implementation bodies.

The two negotiating parties would also separately brief the ICG after each round. This helped assess developments and identify areas where ICG members could help in preparations for the next round of talks.

ICG activity was particularly intense when talks twice reached an impasse: firstly, in the second half of 2010 when the newly elected Government of the Philippines requested that Malaysia change its appointed facilitator; and second, between August and November 2011 when the parties were unable to agree on working drafts of the final agreement. ICG members shuttled back and forth between parties, offering advice and exploring options to break the deadlock.

² www.c-r.org/accord/philippines-mindanao

³ Peace negotiations took place in hotels in Kuala Lumpur. There was on average one round every two months. These rounds would typically last for 3-4 days.

Supporting the peace process outside official talks

The ICG was most active between rounds of meetings. Embassies would regularly meet with lawmakers in Manila and governors and mayors from Mindanao, to listen to their concerns and suggestions, as well as exert diplomatic leverage in support of the peace negotiations. The UK and Japan also increased financial support for development and humanitarian assistance in Mindanao.

In accordance with ICG terms of reference, INGOs worked with local civil society to promote cross-community dialogue. They also provided technical and financial support to local NGOs, and invited external experts to share lessons from other peace processes with the panels, as well as with civil society organisations in Mindanao and other stakeholders in Manila including the business and security sectors, media, and academics.

ICG members engaged in these activities individually rather than collectively, and could approach either of the negotiating parties to suggest ways to support the process. The parties themselves also requested specific support from ICG members. Conciliation Resources, for instance, identified international training courses on technical issues such as the reintegration of combatants, and, together with TAF, covered travel and tuition expenses for those appointed by the panels to attend.

'I find the ICG a reliable partner in peace-making especially when the journey goes rough. They are always there when needed. All the men and women in the ICG are professionals and yet are easy to deal with. I salute all of them!'

Mohagher Iqbal,
Chair of the MILF
Peace Panel

Advantages of mediation support

Conciliation Resources' experience as part of the Mindanao ICG was that hybrid mediation mechanisms have a number of advantages:

Reconciling differences over international involvement. A hybrid Contact Group is a useful way of overcoming a common tension in peace negotiations in internal armed conflicts: a government's reluctance to allow other states and multilaterals oversight in their internal affairs, and a non-state armed group's desire to balance asymmetry in a conflict by engaging multiple and influential international actors.

Complementary roles. States and INGOs have different yet complementary qualities. While states provide a level of diplomatic leverage that NGOs do not have, INGOs have more flexibility than diplomats to engage with a range of actors and explore new ideas. INGOs also provide specific expertise in conflict transformation, which embassies do not necessarily have. In addition, diplomats gain a better insight into the work of civil society and vice versa, which leads to increased understanding, appreciation and collaboration between actors.

Promoting inclusivity. A hybrid Contact Group is an important step towards more inclusive peace processes. While INGOs do not necessarily represent local grassroots perspectives and priorities, they have the potential to act as another channel between the negotiating table and affected communities.

Providing a wide range of expertise. Conciliation Resources' experience of the Mindanao ICG also suggests that the specific capacities of Contact Group members are important; in Mindanao diplomats and INGOs developed a strong sense of partnership, providing complementary expertise. For example, Japan focused on funding infrastructure projects, whilst the UK shared lessons from the Northern Ireland peace process; Conciliation Resources provided analysis of draft documents from the peace panels and discussion papers on transition, normalisation and devolution of policing; TAF focused on strengthening governance; HD brought in high profile 'eminent persons' to input on topics such as power sharing and wealth sharing; and Muhammadiyah brought its experience of providing health and education services in Indonesia.

Challenges in hybrid mediation support

Coordination. At the first ICG meeting in November 2009, an informal internal coordination mechanism was agreed without a Chair or secretariat. HD volunteered to keep an official record of the talks and became the main contact between the facilitator and the ICG. This loose coordination was beneficial for intra-ICG dynamics as it avoided a hierarchical structure and instead allowed for a more organic division of labour based on each member's expertise and level of engagement.

A level of overlap was perhaps inevitable, and there was some similarity in the activities carried out by HD and TAF, and by HD and Conciliation Resources, sometimes with the same partners. There was also some competition for accessing funds, as each participant was responsible for its own fundraising. But this did not impact significantly on the working atmosphere; there was an overall sense of shared purpose among ICG members that created a constructive environment.

Gender perspective. The Mindanao peace talks are yet another example of the challenges involved in implementing UN Security Council Resolution 1325 on Women, Peace and Security, and other related international norms. While most ICG members had a formal commitment to women's empowerment, they did not have a strategy for putting this into practice.

The addition of eight new international actors to the negotiations increased the gender imbalance in the negotiating room (Conciliation Resources provided the only regular female delegate to the ICG). The Mindanao peace talks were nevertheless one of the most gender responsive in the world: women played leading roles in both peace panels, the facilitating team and civil society organisations; and gender-sensitive language and provisions were entrenched in the framework agreement and related documents.

Flexible and long-term commitment. Countries and organisations that engage in mediation support should be prepared to engage for long periods of time. Time frames can be uncertain and prone to change, which can pose planning, financial and other challenges, such as adjusting to the rotation of delegates and having to regain the trust of newcomers.

With a change of government (June 2010) and of facilitator (April 2011) the ICG had to gain the confidence of new players and demonstrate its value. ICG members also had to adjust to internal changes as terms of duty for some representatives expired, and ensure that institutional memory and collaborative spirit were maintained. Conciliation Resources' experience of the ICG was that the attitude and personality of individual ICG members was key to this, rather than the institutions they presented.

Involving local civil society. In 1993 the Philippines developed a framework of *Six Paths to Peace*, with negotiations just one of these paths. Other parallel paths are: socio-economic reforms to address root causes of conflict; continuous consultations; developing an atmosphere conducive to peace; reconciliation; and protection of civilians.⁴ This framework emphasises that a peace process requires more than just formal peace negotiations, and involves many other actors.

Two local peace initiatives made a request to the peace panels to join the ICG: the Mindanao Contact Group and the Women's Peace Table. The panels were not opposed to civil society participation, but the requests did raise the question of

4. Coronel-Ferrer, Miriam. 'Philippines National Unification Commission: national consultations and the 'Six Paths to Peace'', in Accord 13. *Owning the peace process: public participation in peacemaking* (Conciliation Resources, 2002).

'The most important role played by the ICG collectively and individually has been to shuttle between the two negotiating parties to clarify issues and processes during particularly difficult moments in the negotiations. It provided a rational perspective and an emotionally soothing presence during rough times.'

Miriam Coronel Ferrer, Chair of the Government Peace Panel

which organisations could be invited as local observers, and by what criteria. At the same time the MILF was keen to retain the international dimension of the Contact Group. The requests were eventually rejected, but it is important to note that throughout the negotiations both panels maintained a dialogue with civil society organisations and other local stakeholders to promote ownership, and to respond to their suggestions and concerns. INGOs of the ICG also worked in partnership with a number of civil society organisations and became another channel of communication between the table and local actors.

A key challenge for INGOs when engaging with grassroots organisations was to balance the requirement of confidentiality with their role of bridging relations between the negotiating table and local stakeholders.

The parties did agree to appoint three local NGOs as formal members of the Civilian Protection Component of the International Monitoring Team (IMT), which significantly increased the sense of ownership by conflict-affected communities. Local actors are to play an even more important role in the implementation phase as formal members of a number of implementation bodies.

As a result of the broad-minded attitude of both peace panels the Mindanao peace process is probably one of the most 'participation-friendly' in the world.

Conciliation Resources and gender in Mindanao

Conciliation Resources' approach to peace support in Mindanao is framed by a commitment to women's empowerment. Such an approach addresses the shortcomings in mainstream peacemaking and helps improve the quality, legitimacy and sustainability of peace agreements.

A gender perspective has allowed Conciliation Resources to pay attention to the diversity of power dynamics in society, to identify and listen to voices and perspectives that are often overlooked, and to be creative in supporting a number of paths to peace that run parallel to formal negotiations.

The Mindanao context has highlighted an additional challenge in gender sensitive approaches: the need to adjust the implementation of universal norms and standards to local culture and traditions. Bangsamoro women have diverging perspectives and priorities regarding the role of women in society. This diversity should inform policy. Conciliation Resources contributed to dialogue between women with differing views through the publication of a Discussion Paper on *Muslim women in peace processes*, which included international references and lessons.⁵

Gender sensitivity is not about quotas; it is also about challenging biases and pre-conceived notions of the roles men and women should play. It was Conciliation Resources' male representative that took the lead in the ICG on advocating women's empowerment, while its female representative was extremely assertive in challenging all parties in the negotiations to rethink their initial positions and be open to different ideas and suggestions. At the same time, Conciliation Resources was able to meet and convene informal 'all-women' discussions at the sides of the negotiations.

⁵ Herbolzheimer, Kristian. *Discussion Paper: Muslim women in peace processes. Reflections for dialogue in Mindanao* (Conciliation Resources, 2011).

Trends in mediation support

Since the end of the Cold War there has been a global trend towards more diversified mediation support. Almost all peace processes now involve some form of international mediation support structure, such as Contact Groups, Friends Groups, Troikas or Quartets.⁶ These coordination mechanisms have traditionally been composed of states and multilateral organisations. The ICG in Mindanao is the first ever *hybrid* International Contact Group, involving both states and international NGOs (INGOs). It highlights the substantial and increasing role of INGOs in peace negotiations.

Functions of the Mindanao International Contact Group:⁷

- Attend and observe negotiations on the invitation of the parties and facilitator
- Provide discreet advice
- Provide expert assistance on specific issues
- Meet any of the parties upon request to help resolve substantive issues
- INGOs were additionally requested to “act as a bridge between parties, ICG, facilitator, and local partners in support of the peace process”

Conflict context

In 1968 violent conflict erupted in the predominantly Muslim areas of Central and Western Mindanao in southern Philippines between the Government and an armed separatist movement. In 1996 the Government and the Moro National Liberation Front (MNLF) reached an agreement on regional autonomy. A splinter group, the MILF, dissatisfied with the terms of the agreement, continued fighting.

Negotiations between the Government and the MILF began in 1997 but were repeatedly interrupted by major episodes of violence in 2000, 2003 and 2008. At each resumption of the talks, the peace panels (the representatives of each party to the peace talks) decided to invite international actors to take part in order to strengthen the process and prevent further crises:

2001: Parties agree to negotiate outside the country. The Government of the Philippines invites Malaysia to facilitate

2004: Parties invite an unarmed International Monitoring Team (IMT) to observe the ceasefire

2009: Parties agree to include a Civilian Protection Component and a Humanitarian, Rehabilitation and Development Component in the IMT, and to establish an International Contact Group to observe the peace negotiations

The peace support architecture grew in sophistication *organically*, in response to the difficulties encountered in successive negotiations by the conflict parties.

The 2012 Framework Agreement approved a Muslim self-governing, political and geographical entity, the Bangsamoro. The agreement established a three-year roadmap to peace, with provisions for additional hybrid bodies to ensure and monitor implementation.⁸ The mediation structure involving the ICG and the Malaysian facilitator is to remain in place to support implementation of the roadmap.

⁶. See Whitfield, Teresa. 'Working with Groups of Friends', *USIP Peacemaker's Toolkit*, Vol. 6 (2010).

⁷. *Framework Agreement on the Formation of the International Contact Group for the GRP-MILF Peace Process* (September 15, 2009).

⁸. An Independent Commission on Policing, a Commission on Transitional Justice, and a Third Party Monitoring Team will all include international and local experts. The overall implementation process will be conducted by a Transition Commission composed of 15 people from different constituencies across Mindanao and, upon the passing of a Basic Law, a Bangsamoro Transition Authority.

The Mindanao International Contact Group: a model for mediation support?

There is a growing landscape of mediation support, offering third-party supporters of peace negotiations a range of coordination options. However, coordination between these actors is not always guaranteed and it can be difficult to determine why a particular type of support evolves in a given context.

The success of the Mindanao hybrid ICG may be a consequence of a unique set of circumstances:

- A history of constructive engagement by both the Government and the MILF with civil society
- An explicit acknowledgement and general commitment by both parties to the primacy of the peace process
- The parties were always in the 'driving seat' of the negotiations, with the ICG keeping a low profile and playing a supportive role
- The complementary expertise and experience of the members of the ICG

While we should be cautious about offering the Mindanao ICG as a model for other contexts, there are key lessons that may inform mediation support elsewhere:

- Peace support architecture can develop *organically* in the context. International support should be responsive to such opportunities
- Understanding local political, cultural and religious specificities is crucial; international support needs to be tailored to changing local dynamics
- Identifying countries and NGOs that can play complementary roles is important to the success of a hybrid mechanism. This does not necessarily have to include major international state players
- Identifying and supporting *multiple paths* to peace may be as important as formal negotiations. Parallel processes, whereby local civil society organisations can engage directly with parties at the table and the facilitator, can be a useful way of broadening inclusivity and gaining buy-in from the wider population
- International support should lead by example and ensure gender balance in any mediation support structure. It should also identify context-sensitive ways for women's empowerment in the peace process
- Joint funding for INGOs can ensure parity in access to financing and a clearer division of labour among them
- Personal relationships between members of the ICG, the peace panels and broader civil society, developed over several years, can be crucial to building and maintaining trust



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Conciliation Resources

173 Upper Street, London N1 1RG
United Kingdom

Telephone +44 (0)20 7359 7728

Email cr@c-r.org

Website www.c-r.org

[Facebook.com/ConciliationResources](https://www.facebook.com/ConciliationResources)

[Twitter.com/CRbuildpeace](https://twitter.com/CRbuildpeace)

Further resources

About this practice paper

This paper was authored by Kristian Herbolzheimer and Emma Leslie, and is based on Conciliation Resources' experience of participating in the Mindanao International Contact Group since its inception in 2009. The paper was edited by Zahbia Yousuf.

Conciliation Resources is an international peacebuilding NGO working with people in conflict to prevent violence and build peace. We provide advice, support and practical resources. In addition, we take what we learn to government decision-makers and others working to end conflict, to improve policies and practice worldwide.

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Muhammadiyah: www.muhammadiyah.or.id/

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