

**THE MUSLIM DISPUTE IN THE SOUTHERN PHILIPPINES**  
**A CASE OF ISLAMIC CONFERENCE MEDIATION**

**Soliman M Santos Jr\***

**I. INTRODUCTION**

This article is written from the perspective of the peaceful settlement of an international dispute to celebrate the centenary of the 1899 Hague Convention for the Pacific Settlement of International Disputes. It discusses the issues governing the dispute between the government of the Philippines and the Moro National Liberation Front (the Front) and the reasons why this domestic dispute may also be characterised as international or quasi-international. It focuses on the role of the Organisation of the Islamic Conference (OIC) in the peace negotiations and provides the context for the OIC's role as mediator in a domestic armed conflict. In this sense, the OIC possesses the twin role of mediator and quasi-party that underscores both its uniqueness and the uniqueness of the dispute resolution processes used.

The processes illustrate a combination of methods used in this case. It showcases 'Western'/United Nations and 'Eastern'/Asian/Islamic ways at work. So far, it appears that the latter has not been given the attention it deserves nor used in practice sufficiently. This impacts negatively on the theoretical and legal development of the processes, especially the literature on international dispute resolution. Therefore, this article aims to present another perspective stemming from the valuable insights and lessons to be drawn from this 'alternative' experience.<sup>1</sup>

---

\* AB, LLB, LLM; Member, Integrated Bar of the Philippines. The author is grateful to Dr Mashur Bin-Ghalib Jundam and Romila M Saguil, both of the University of the Philippines Institute of Islamic Studies, for their help during the writing of this article.

<sup>1</sup> Although detailed documentation concerning the sensitive negotiations is not available readily and the principal players in the actual negotiations have yet to tell their tales, the author was able to observe part of the process and interview some key players as an independent peace advocate. The scant literature includes the book by the former president of the Philippines, Fidel V Ramos, *Break not the Peace: The Story of the Philippines-Moro Peace Negotiations 1992-1996* (1996, Friends of Steady Eddie, Philippines). Basically, this book is a government account of the negotiations. For an academic discussion see Campado PD, *The Moro-OIC Dyad and the Philippines Government's Policy Response to the Moro Struggle for Self-Determination* (1996,

## II. THE DISPUTE

This was a dispute between the Philippines government and the Front in Southern Philippines, particularly in Southwestern Mindanao and the nearby islands, and known variously as the Mindanao, Moro or Muslim (Moslem) problem.<sup>2</sup> The Front represented the Islamic ethno-linguistic groups, the Bangsa Moro (Moro) who, claiming to be a Moro nation (*Bangsamoro*), alleged that the government had systematically marginalised and minoritised them in this region. As a consequence, they sought independence by basing their claim on the Spanish colonisation of their homeland and the transfer of Spanish sovereignty to the United States that was followed by a further transfer to the Philippines where successive governments were Christian-Western oriented.<sup>3</sup>

At the Third Islamic Conference of Foreign Ministers (ICFM) held in Jeddah in 1972, serious concern was expressed for the plight of the Muslims living in Mindanao and the surrounding islands as nationals of the Philippines. When seeking the government's good offices to guarantee their safety and property rights, the ICFM referred to the claimant as "the Moslems in the Philippines" and did not mention the Front directly.<sup>4</sup> In 1974, the Fifth ICFM in Kuala Lumpur<sup>5</sup> passed a resolution referring to the Front for the first time within the context of the claim. The resolution had urged the government "to find a political and peaceful solution through negotiation with Muslim leaders,

---

Asian Center, University of the Philippines, Manila); Wadi JM, *Islamic Diplomacy: A Case Study of the OIC and the Pacific Settlement of the Bangsamoro Question 1972-1992* (1993, Institute of Islamic Studies, University of the Philippines, Manila).

<sup>2</sup> Wadi JM, *Islamic Diplomacy: A Case Study of the OIC and the Pacific Settlement of the Bangsamoro Question 1972-1992* (1993, Institute of Islamic Studies, University of the Philippines, Manila) 171.

<sup>3</sup> There is much literature on the Mindanao/Moro/Muslim problem and the Front. For example, see Muslim MA, *The Moro Armed Struggle in the Philippines: The Nonviolent Autonomy Alternative* (1994, Office of the President College, Mindanao State University, Marawi City); Jubair S, *A Nation Under Endless Tyranny* (1997, 2<sup>nd</sup> revised edition, IQ Marin, Kuala Lumpur); and Che Man K, *Muslim Separatism: The Moro of Southern Philippines and the Malays of Southern Thailand* (1990, Oxford University Press, Oxford). The latest book of note is McKenna TM, *Muslim Rulers and Rebels: Everyday Politics and Armed Separatism in the Southern Philippines* (1998, University of California Press, Berkeley) 171.

<sup>4</sup> Resolution No 12, Resolution on the Situation of Moslems in the Philippines, OIC, 3<sup>rd</sup> ICFM, 29 February-4 March 1972, Jeddah, Saudi Arabia.

<sup>5</sup> Resolution No 18, Resolution on the Plight of the Filipino Muslims, OIC, 5<sup>th</sup> ICFM, 21-25 June 1974, Kuala Lumpur, Malaysia.

particularly with the representatives of the Front". The ensuing negotiation resulted in the 1976 Tripoli Agreement whereby the parties agreed on a political solution.<sup>6</sup> The Philippines retained sovereignty and territorial integrity while the Moro in Southern Philippines received autonomy, thus shifting the focus from independence (sometimes referred to as decolonisation, secession or separatism) to autonomy and the issues of powers and territory for the new entity.<sup>7</sup>

Earlier, on 28 April 1976, Professor Nur Misuari, Chairman of the Front, had proclaimed the Moro Manifesto,<sup>8</sup> which claimed that Filipino colonialism had oppressed and terrorised five million Moro, leading to untold suffering, death and genocide. Their land had been usurped and the destruction and desecration of their places of worship (mosques) threatened their religion. The Manifesto also claimed adherence to the laws that bound the international community, particularly the United Nations Charter, the Universal Declaration of Human Rights and the principle of self-determination. Further, the Manifesto referred to the Front and its revolution as part of the Islamic World, the Third World and the oppressed colonised humanity wherever found.<sup>9</sup>

During the next 20 years, the Front continued to seek independence. The OIC granted observer status to it and recognised it as the "sole and legitimate representative of the Muslims in the Southern Philippines".<sup>10</sup> During this period, two changes to the Philippines' presidency occurred, at the conclusion of which a final peace agreement was signed ending the armed conflict and constituting "the full implementation of the Tripoli Agreement".<sup>11</sup>

---

<sup>6</sup> Agreement between the Philippines Government and Moro with the Participation of the Quadripartite Ministerial Commission Members of the Islamic Conference and the Secretary-General of the OIC, 23 December 1976, Tripoli, Libya.

<sup>7</sup> Interview with Ambassador Manuel T Yan, Negotiating Panel Chairman and Presidential Adviser on the Peace Process, 23 December 1998, Pasig City, the Philippines. This coincided with the 22<sup>nd</sup> anniversary of the 1976 Tripoli Agreement.

<sup>8</sup> This is the Manifesto of the Moro National Liberation Front: Establishment of the Bangsa Moro Republik (1976); also see Villareal, "Conflict resolution in Mindanao – A journey towards lasting peace" at <[www.morojihad.com/conflict\\_resolution.html](http://www.morojihad.com/conflict_resolution.html)> (visited June 2001).

<sup>9</sup> See generally *ibid.*

<sup>10</sup> Resolution No 25, Resolution on the Southern Philippines Question, OIC, 8<sup>th</sup> ICFM, 16-22 May 1977, Tripoli, Libya.

<sup>11</sup> The Final Agreement on the Implementation of the 1976 Tripoli Agreement between

### III. THE PARTIES

As seen above, the main parties are the government and the Moro represented by the Front. The dispute had also attracted other actors as third parties.

#### *(a) The Government*

Four successive governments and four different presidents were involved in the dispute. The presidents were Ferdinand E Marcos (1965-1986), Corazon C Aquino (1986-1992), Fidel V Ramos (1992-1998) and Joseph E Estrada (1998-2001), all responsible for implementing the peace agreement and all holding a firm common bottom-line. Since constitutionalism was a key tradition of the Philippines' legal system, every major political and legal act had to fall within this framework. This accorded with the Philippines' Constitution, especially in relation to sovereignty, territorial integrity and the government's political and legal authority over the entire territory of the Philippines.<sup>12</sup>

In 1972, the Marcos government imposed a martial law dictatorship and centralised the government and political system.<sup>13</sup> As a result, the next government led by Aquino was more concerned with the restoration of a pre-martial law-style (elite) democracy consolidated through a new Constitution. It was simultaneously preoccupied with its own survival following several military coup attempts and its stand on 'total war' against the communist insurgency that reached its peak during this period.<sup>14</sup> Under the Ramos government that followed next, the focus was on an economic program that would raise the Philippines to the status of a newly industrialised State by 2000.<sup>15</sup> Before this could happen, peace with the major rebel groups was required resulting in the

---

the Philippines Government and the Moro with the Participation of the OIC Ministerial Committee of Six and the Secretary-General of the OIC, 2 September 1996, Manila.

<sup>12</sup> See generally Wadi JM, *Islamic Diplomacy: A Case Study of the OIC and the Pacific Settlement of the Bangsamoro Question 1972-1992* (1993, Institute of Islamic Studies, University of the Philippines, Manila).

<sup>13</sup> See generally Brillantes AB Jr, *Dictatorship and Marshall Law: Philippine Authoritarianism in 1972* (1987, Great Books Publishers, Quezon City).

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

Ramos Comprehensive Peace Process,<sup>16</sup> the first comprehensive strategy for a solution to the armed conflict. Estrada, leading the next government, continued with the earlier attempts to achieve this.<sup>17</sup>

**(b) *The Front/Moro***

The key figure in the Front was its Chairman, Professor Nur Misuari who was responsible for the Front's secular-nationalist orientation. He placed the Front on the domestic and international agendas to reflect the Front's main aim, namely, maximum autonomy under the Tripoli Agreement in recognition of the Moro right to self-determination. He provided the 13 ethno-linguistic Muslim groups in Mindanao, Palawan and Sulu with the basis for a common identity and consciousness as a State in the peace process, *inter alia*.<sup>18</sup> However, his centralised and autocratic style contributed to the fragmentation of the Front due to differences in policies and orientation within the organisation and crucial breakaways from the Front resulted after the negotiations to implement the Tripoli Agreement collapsed in 1977.<sup>19</sup>

**(c) *Third Parties***

The OIC, deemed the highest international Islamic political body, was an important third party in the dispute resolution process. It was involved in the 1976 Tripoli Agreement and featured in the 1977 Qaddafi-Marcos Accord<sup>20</sup> where Libya also played a third party role. Although generally viewed as the mediator in the dispute, the OIC (not the Front) acted more like the other international actor in the dispute

---

<sup>16</sup> Ramos FV. *Break not the Peace: The Story of the Philippines-Moro Peace Negotiations 1992-1996* (1996, Friends of Steady Eddie, Philippines) 105-113.

<sup>17</sup> *Ibid. Editor*: In January 2001, Gloria Magapagal Arroyo replaced Joseph Astrada as president.

<sup>18</sup> Discussion with Islamic Professor R Joel (Jalaluddin) de los Santos Jr, 24 March 1998, Quezon City, on the Islamic revivalist movement especially.

<sup>19</sup> See generally Gershman, "Moros in the Philippines" (revised October 2001) at <[www.fpif.org/selfdetermination/conflicts/philippines\\_body.html](http://www.fpif.org/selfdetermination/conflicts/philippines_body.html)> (visited December 2001).

<sup>20</sup> The Accord referred to the exchange of cables between the Libyan President Colonel Muammar Al Qaddafi, and the Philippines President, Ferdinand E Marcos, on 18-19 March 1977. The Accord consolidated the steps agreed upon by Colonel Qaddafi and the Philippines First Lady, Imelda R Marcos, in a meeting on 18 March 1977 in Libya to implement the Tripoli Agreement.

besides the Philippines.<sup>21</sup> As a result, it is observed that this gave the OIC a quasi-party characteristic.

At the beginning, the dispute was framed as a dispute between the Muslims and the government but later the OIC represented the Muslims as a part of the *ummah* (Muslim world community). In Islamic constitutional theory, the *ummah* is itself considered to be a State and described as "the body politic as organised for supreme civil rule and government, the political organisation which is the basis of all civil government".<sup>22</sup> However, when the Front received observer status in the OIC, the Front was considered the "sole and legitimate representative of the Muslims in the Southern Philippines" and the dispute became framed as one between the Philippines and the Front.<sup>23</sup>

#### IV. NATURE OF THE DISPUTE

On the one hand, although the dispute had many aspects – socio-economic, religious-cultural, legal political and domestic – it was not deemed an inter-State dispute because the Front was not independent and had no international personality. The OIC accepted this position as shown in a resolution recognising the dispute as a "domestic problem of the Philippines".<sup>24</sup> On the other hand, since international disputes are defined as those between international actors, be they States or non-State entities, the dispute also had elements of an international dispute.<sup>25</sup>

The dispute was essentially an independence struggle concerning the sovereignty of a State (the Philippines) and the quest of a group of people (Moro) for self-determination. Together, the different aspects have helped to characterise the dispute as both domestic and international. International humanitarian law practice and the concept of 'internationalised non-international armed conflict' support this position.<sup>26</sup> The concept was defined as "events within a country with

---

<sup>21</sup> See *ibid*; Ishaque, "State and constitution in Islam" (1984) IV:1-2 *Islamic and Comparative Law Quarterly* 1, 2-3.

<sup>22</sup> *Ibid*.

<sup>23</sup> *Ibid*.

<sup>24</sup> Resolution No 18, Resolution on the Plight of the Filipino Muslims, OIC, 5<sup>th</sup> ICFM, 21-25 June 1974, Kuala Lumpur, Malaysia.

<sup>25</sup> Astor H and anor, *Dispute Resolution in Australia* (1992, Sydney: Butterworths) 277-278.

<sup>26</sup> Bothe, "Article 3 and Protocol II: Case studies of Nigeria and El Salvador" (1982)

international elements superimposed"<sup>27</sup> or "a civil war characterised by the intervention of armed forces of a foreign power".<sup>28</sup> Although foreign armed forces did not intervene in the dispute, international elements existed and were superimposed on the dispute even before the OIC passed its first resolution in 1972.<sup>29</sup> For example, following allegations of genocide and military atrocities against the Muslims in Mindanao Island, the Muslim world was concerned as early as 1969<sup>30</sup> and countries such as Malaysia and Libya supported the Front with arms and military training.<sup>31</sup> However, the foremost of these was the use of international mediation to resolve the dispute, the mediators being the OIC, Libya and Indonesia.

## V. THE MEDIATORS

### (a) *The OIC*<sup>32</sup>

The OIC, as the most important of Islamic international political organisations, has more than 50 Heads of State as members. It

---

<sup>31</sup> American University Law Review 899.

<sup>27</sup> *Ibid.*

<sup>28</sup> Gasser, "Internationalized non-international armed conflicts: Case studies of Afghanistan, Kampuchea and Lebanon" (1983) 33:1 American University Law Review 145, 157.

<sup>29</sup> Resolution No 12, Resolution on the Situation of Moslems in the Philippines, OIC, 3<sup>rd</sup> ICFM, 29 February-4 March 1972, Jeddah, Saudi Arabia.

<sup>30</sup> For example, it was a BBC radio broadcast on the Manili massacre of 19 June 1971 that first brought Colonel Qaddafi's attention to this dispute: see Jubair S, *A Nation Under Endless Tyranny* (1997, 2<sup>nd</sup> revised edition, Office of the President, Marawi City) 115-116.

<sup>31</sup> Levtzion N, *International Islamic Solidarity and its Limitations* (1979, Magnes Press, Jerusalem) 28; Noble, "Roots of the Bangsa Moro Revolution" (1983) 4:97 *Solidarity* 41, 43 cited in Che Man WK, *Muslim Separatism: The Moro of Southern Philippines and the Malays of Southern Thailand* (1990, Oxford University Press, New York) 139. Malaysia's involvement was precipitated by the exposé on a Filipino secret plan to invade a Malaysian state (Sabah). Malaysia retaliated by allowing Sabah to be used as a Moro base. The tension between the two States brought further instability to Southeast Asian security at a time when the formation of the Association of Southeast Asian Nations (ASEAN) was on the horizon.

<sup>32</sup> See al Ahsan A, *OIC: The Organization of the Islamic Conference – An Introduction to an Islamic Political Institution* (1988, International Institute of Islamic Thought, Hendron); Moinuddin H, *The Charter of The Islamic Conference and Legal Framework of Economic Co-operation among its Member States* (1987, Clarendon Press, Oxford); Landau J, *The Politics of Pan-Islam: Ideology and Organization* (1990, Clarendon Press, Oxford).

represents "a third of humanity, all the states of the Muslim world"<sup>33</sup> or 800 million Muslims worldwide. At least half of them live in Asia where the four States with the world's largest Muslim population are found.<sup>34</sup> However, the centre of the Muslim/Arab world is in the Middle East and North Africa.<sup>35</sup> Moinuddin describes the OIC:<sup>36</sup>

As the title of the Organization suggests, the Charter institutionalizes a series of conferences on different levels. The word 'Conference' throws some light on the loose character of the OIC.

The OIC has three organisational levels: (1) Conference of Kings and Heads of State (Islamic Summit), (2) Conference of Foreign Ministers (ICFM), and (3) the General Secretariat (headed by the Secretary-General) and subsidiary organs. Although the Islamic Summit is the supreme authority and the General Secretariat implements the resolutions, it is the annual ICFM that adopts the resolutions on matters of common interest and expresses the collective political will of the Islamic community.<sup>37</sup> King Faisal of Saudi Arabia was primarily responsible for the First Islamic Summit Conference held on 22-25 September 1969 in Rabat and he received the support of conservative allies.<sup>38</sup> The Summit was followed by the First ICFM held on 23-25 March 1970 when Tunku Abdul Rahman (Malaysia's first Prime Minister) was elected the first Secretary-General of the newly created permanent secretariat. The Charter of the OIC was adopted during the Third ICFM on 29 February-4 March 1972 held in Jeddah.<sup>39</sup>

---

<sup>33</sup> al Ahsan A, *OIC: The Organization of the Islamic Conference – An Introduction to an Islamic Political Institution* (1988, International Institute of Islamic Thought, Hendron) ix.

<sup>34</sup> *Ibid.*

<sup>35</sup> Levtzion N, *International Islamic Solidarity and its Limitations* (1979, Magnes Press, Jerusalem) 25.

<sup>36</sup> *Ibid.* 74.

<sup>37</sup> Articles III-VI of the Charter of the Islamic Conference.

<sup>38</sup> Levtzion N, *International Islamic Solidarity and its Limitations* (1979, Magnes Press, Jerusalem) 24-25.

<sup>39</sup> *Ibid.*; see also Moinuddin H, *The Charter of The Islamic Conference and Legal Framework of Economic Co-operation among its Member States* (1987, Clarendon Press, Oxford) 70-72.

The OIC's Islamic orientation is prominently stated in the Preamble to the OIC Charter, where Islam is referred to as "a strong factor for rapprochement and solidarity between Islamic peoples". The OIC has a universal or international community orientation arising from its "commitment to the UN Charter and fundamental Human Rights".<sup>40</sup> It has 'dual bases', Islamic *ummah* and secular nationalism, both reflected in its objectives and principles.<sup>41</sup> The objectives are international understanding and co-operation, international peace and security, elimination of racial discrimination, eradication of colonialism, promotion of Islamic solidarity, co-operation and consultation, and support for the struggle of Muslim people and Palestinian liberation.<sup>42</sup> The principles are total equality, self-determination, non-intervention, sovereignty, abstention from using force, and the peaceful settlement of disputes.<sup>43</sup>

Thus, it is seen that the OIC is not a monolith but a "heterogenous assembly of States",<sup>44</sup> traversing conservative, moderate and radical camps.<sup>45</sup> Issues and disputes are dealt with according to which Member State holds the key role when acting on the OIC's behalf. For example, Libya and Indonesia, deemed radical and conservative respectively, played crucial roles in the resolution of this dispute.

### **(b) Libya**

Libya was the main foreign supporter of the Front. Although Tunku Abdul Rahman as OIC Secretary-General had included the plight of the Muslims on the agenda of the Third ICFM in 1972,<sup>46</sup> it was Libya that chaired the Quadripartite Ministerial Commission (the other members

---

<sup>40</sup> Ibid.

<sup>41</sup> Wadi JM, *Islamic Diplomacy: A Case Study of the OIC and the Pacific Settlement of the Bangsamoro Question 1972-1992* (1993, Institute of Islamic Studies, University of the Philippines, Manila) 141-142.

<sup>42</sup> Moinuddin H, *The Charter of The Islamic Conference and Legal Framework of Economic Co-operation among its Member States* (1987, Clarendon Press, Oxford).

<sup>43</sup> Ibid 75-100. See also Article II of the Charter of the Islamic Conference.

<sup>44</sup> Moinuddin H, *The Charter of The Islamic Conference and Legal Framework of Economic Co-operation among its Member States* (1987, Clarendon Press, Oxford) 69.

<sup>45</sup> Levtzion N, *International Islamic Solidarity and its Limitations* (1979, Magnes Press, Jerusalem) 28-9.

<sup>46</sup> Resolution No 12, Resolution on the Situation of Moslems in the Philippines, OIC, 3<sup>rd</sup> ICFM, 29 February-4 March 1972, Jeddah, Saudi Arabia.

being Saudi Arabia, Senegal and Somalia).<sup>47</sup> The Commission's mandate was to discuss the dispute pursuant to a resolution of the Fourth ICFM held in Benghazi, Libya in 1973<sup>48</sup> and this ICFM bore Libya's distinct imprint of Islamic militancy.<sup>49</sup> Libya continued as Chair for the next 20 years until replaced by Indonesia in 1993. The longevity was due to Libya's sponsorship of the 1976 Tripoli Agreement that became the main reference for the peace negotiations.<sup>50</sup> As Chair during the Ramos era, Libyan Ambassador Rajab Azzarouq stated that he was required to:<sup>51</sup>

innovate a framework that would secure peace and to have Libya absolved from this historic burden bestowed upon Tripoli as Chairman of the Quadripartite Committee of the OIC in charge of resolving the conflict.

**(c) Indonesia**

At the crucial Fifth ICFM in Kuala Lumpur in 1974, a resolution was passed "on the Plight of the Filipino Muslims".<sup>52</sup> During the debate, Indonesia and Malaysia (close and committed ASEAN neighbours) pushed for the "framework of the national sovereignty and territorial integrity of the Philippines".<sup>53</sup> This was aimed at motivating the government to negotiate with the Front when Libya and Pakistan advocated OIC intervention on behalf of the Muslim minorities in non-member States.<sup>54</sup> Indonesia and Malaysia were "anxious to prevent the interference of other countries (including the Arabs) in Southeast

---

<sup>47</sup> The Commission, specially tasked, is one level higher than the Secretary-General who provides general assistance.

<sup>48</sup> Resolution No 4, Resolution on the Problem of Moslems in the Philippines, OIC, 4<sup>th</sup> ICFM, 24-26 March 1973, Benghazi, Libya.

<sup>49</sup> Levtzion N, *International Islamic Solidarity and its Limitations* (1979, Magnes Press, Jerusalem) 27-29.

<sup>50</sup> Azzarouq RA, *The National Security of the Philippines: Political Developments, Issues and Prospects in a Changing World* (1998, Asian Center, University of the Philippines, Manila) 127.

<sup>51</sup> *Ibid.*

<sup>52</sup> Resolution No 12, Resolution on the Situation of Moslems in the Philippines, OIC, 3<sup>rd</sup> ICFM, 29 February-4 March 1972, Jeddah, Saudi Arabia.

<sup>53</sup> *Ibid.*

<sup>54</sup> Piscatori J, *International Relations of the Asian Muslim States* (1986, University Press of America, Lanham, MD) 9-10; and Levtzion N, *International Islamic Solidarity and its Limitations* (1979, Magnes Press, Jerusalem) 45-46.

Asia"<sup>55</sup> because they were addressing regional stability through the emergent ASEAN then.<sup>56</sup> Further, although Indonesia had the largest Muslim population, it did not consider itself an Islamic State, instead declaring itself a *pancasila* State based on its secular national ideology when it joined the OIC.<sup>57</sup> Indonesia also avoided using 'Bangsamoro' even though it was the Front's preferred reference and the OIC's official documents had made reference to the Moro.<sup>58</sup> As Indonesian Ambassador Wiryono explained, "We have our own fear of letting go... We don't want to be seen as adopting the right to secede... We have many islands, ethnic groups".<sup>59</sup>

Foremost in Ambassador Wiryono's mind was Indonesia's position on its islands and surrounds.<sup>60</sup> It had to deal with the Maubere people in East Timor where parallels existed with the Moro's struggle for self-determination.<sup>61</sup> Another Indonesian island group was Sulawesi, the northern part of which had close cross-border links in trade, residency and kinship with Mindanao. However, Mindanao peace was deemed necessary for the proposed East ASEAN Growth Area (EAGA) consisting of Brunei, Indonesia, Malaysia and the Philippines (BIMP)<sup>62</sup> and another significant matter was Indonesia's Constitution mandating a foreign policy of and contribution to international peace and security.<sup>63</sup>

---

<sup>55</sup> Levtzion N, *International Islamic Solidarity and its Limitations* (1979, Magnes Press, Jerusalem) 31.

<sup>56</sup> There is an excellent discussion on the Malaysia-Indonesia-ASEAN factor in the Philippines-Moro-OIC equation in Piscatori J, *International Relations of the Asian Muslim States* (1986, University Press of America, Lanham, MD) 9-11; see also Antolik M, *ASEAN and the Diplomacy of Accommodation* (1990, ME Sharpe Inc, New York) 69-83.

<sup>57</sup> Interview with Sastrohandoyo Wiryono, Indonesian Ambassador to Australia and Presiding Officer of the Formal Jakarta Talks, 3 December 1998, Canberra, Australia.

<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*

<sup>61</sup> Len-Aurelio, "Right to self-determination: parallel struggle of Moro and Maubere people" (1994) VIII:2 *Moro Kurier* 11.

<sup>62</sup> Interview with Sastrohandoyo Wiryono, Indonesian Ambassador to Australia and Presiding Officer of the Formal Jakarta Talks, 3 December 1998, Canberra, Australia. See also Turner, "Subregional economic zones, politics and development: The Philippines' involvement in the East ASEAN Growth Area (EAGA)" (1995) 8:4 *The Pacific Review* 637.

<sup>63</sup> This also explains Indonesia's recent peace making role in the disputes over Cambodia and the Spratly Islands located in the South China Sea.

At the Sixth Islamic Summit in 1991 in Dakar, the Quadripartite Ministerial Commission expanded to become the Ministerial Committee of the Six<sup>64</sup> when two Asian States (Indonesia and Bangladesh) joined the original four Arab and African States. At the Twenty-first ICFM held in 1993 in Karachi, Indonesia was elected the new Chair following Saudi Arabia's proposal to recognise the seniority of popular Indonesian Foreign Minister Ali Alatas.<sup>65</sup>

## VI. THE DISPUTE RESOLUTION PROCESSES

Several processes may be used to resolve international disputes. The 24 years during which the OIC was involved in the Moro dispute may be divided into three dynamically different periods that were circumscribed by three government eras and the use of different OIC mediators.

### *(a) Overview of the Three Periods*

The following provides a chronological overview of the three periods.

#### **(i) The Marcos period (1972-1986)**

- Third ICFM held in Jeddah in 1972: The first official OIC involvement in the Filipino Muslim problem.
- Fifth ICFM held in Kuala Lumpur in 1974: The OIC's framework resolution for a Philippines-Front negotiated political solution within the sovereignty and territorial integrity of the Philippines.
- First Jeddah Talks in January 1975: These first peace negotiations between the disputants failed.
- First visit by Philippines First Lady Imelda Marcos to Libya in November 1976: The meeting with Libyan President Colonel Qaddafi resulted in diplomatic relations, two cooperation agreements and the resumption of peace negotiations.

---

<sup>64</sup> Resolution No 11, Resolution on the Question of Muslims in Southern Philippines OIC, 6<sup>th</sup> Islamic Summit, 9-11 December 1991, Dakar, Senegal.

<sup>65</sup> Interview with Sastrohandoyo Wiryono, Indonesian Ambassador to Australia and Presiding Officer of the Formal Jakarta Talks, 3 December 1998, Canberra, Australia; interview with Abu Hartono, Indonesian Ambassador to the Philippines held in Makati City, the Philippines, 22 December 1998; interview with Rajab Azzarouq, Libyan Ambassador to the Philippines, 22 December 1998, Makati City, the Philippines.

- First Tripoli Talks and Agreement in December 1976: This most significant point in the whole peace process changed the issue in dispute from independence to autonomy and the Tripoli Agreement<sup>66</sup> became the main reference point for the next 20 years.
- Second Tripoli Talks and the First Lady's second visit resulted in the Qaddafi-Marcos Accord in February-March 1977: These were negotiations to implement the Tripoli Agreement following the agreement on a referendum.
- Presidential Decree No 1628 of March 1977: President Marcos created two regional autonomous governments and reduced the 13 provinces under the Tripoli Agreement to ten. His unilateral 'implementation' of the agreement lent credence to the observation that his intention on implementation was insincere.<sup>67</sup> This persisted to the end of his regime.
- Eighth ICFM held in Tripoli in May 1977: This resulted in an angry OIC response that deplored the government and the following are examples of the expressions used:<sup>68</sup>
  - "shirking its international responsibilities";
  - holding it "responsible for the failure of negotiations";
  - recognising the Front as the "legitimate representative of the Muslim Movement in South Philippines"; and
  - granting OIC observer status to the Front and directing the Quadripartite Ministerial Commission to "carry its mission of mediation".

The crucial provisions of the 1976 Tripoli Agreement were:

1. The Muslims in Southern Philippines would receive autonomy within the sovereignty and territorial integrity of the Philippines.
2. The autonomous areas would comprise 13 provinces and all

---

<sup>66</sup> Agreement between the GRP and MNLF with the Participation of the Quadripartite Ministerial Commission Members of the Islamic Conference and the Secretary-General of the OIC, 23 December 1976, Tripoli, Libya. See International Studies Institute of the Philippines, Papers of the Conference on the Tripoli Agreement: Problems and Prospects (1986).

<sup>67</sup> McKenna TM, *Muslim Rulers and Rebels: Everyday Politics and Armed Separatism in the Southern Philippines* (1998, Berkeley: University of California Press) 168.

<sup>68</sup> Resolution No 25, Resolution on the Southern Philippines Question, OIC, 8<sup>th</sup> ICFM, 16-22 May 1977, Tripoli, Libya.

the cities and villages therein.

3. The government would control foreign policy, national defence, and mines and mineral resources but nine substantive issues on autonomy would be reserved for later discussion and detail in a final agreement.
4. The President of the Philippines would create and appoint a provisional government for the autonomous area.
5. The government would adopt all necessary constitutional processes to implement the agreement.

Subsequent annual ICFM resolutions almost perfunctorily called for negotiations and implementation of the 1976 Tripoli Agreement but this did not occur until the Marcos regime ended.<sup>69</sup>

**(ii) The Aquino Period (1986-1992)**

- Aquino-Misuari meeting in Jolo in September 1986: President Aquino broke with protocol and met with the Front Chairman, Misuari, on his homeground. Embracing the spirit of the new democratic administration's early peace initiatives, they agreed on a ceasefire and re-commenced peace negotiations.
- Second Jeddah Talks and Accord in January 1987: This resulted in the Jeddah Accord<sup>70</sup> that deviated from the 1976 Tripoli Agreement by entertaining a "proposal for the grant of full autonomy to Mindanao, Basilan, Sulu, Tawi-Tawi and Palawan subject to democratic processes". This covered 23 provinces.
- New Philippines Constitution ratified in February 1987: This created an autonomous region in Muslim Mindanao within the constitutional framework. National sovereignty and territorial integrity were to be achieved by a Congressional organic act and subject to a plebiscite in the proposed region.<sup>71</sup> This represented the Aquino government's unilateral 'implementation' of the 1976 Tripoli Agreement that bound later governments as a result of the constitutional amendment.

---

<sup>69</sup> See generally McKenna TM, *Muslim Rulers and Rebels: Everyday Politics and Armed Separatism in the Southern Philippines* (1998, University of California Press, Berkeley).

<sup>70</sup> Joint Statement of the Moro and the Philippines Government Panels, 3 January 1987, Jeddah, Saudi Arabia.

<sup>71</sup> Article X Sections 15-21 of the 1987 Philippines Constitution.

- Philippines Talks in February-May 1987:<sup>72</sup> These were held on a staggered basis in Zamboanga City and Metro Manila to further discussion on the proposal in the Jeddah Accord. The talks, held without any OIC participation, collapsed.<sup>73</sup> There were no further negotiations until the end of the Aquino administration when there was a shift to a new peace strategy called the "multilateral consensus-building approach".<sup>74</sup> This resulted in the Autonomous Region of Muslim Mindanao (ARMM) that was mandated by the Constitution.
- Seventeenth ICFM held in Amman in March 1988: This meeting characterised the government's actions as not "in conformity with the provisions of the Tripoli Agreement...which constitute[d] a binding international agreement".<sup>75</sup>
- Organic Act for the ARMM in August 1989 – Republic Act No 6734: Signed into law to implement the constitutional amendment provision,<sup>76</sup> it purported to accord with the 1976 Tripoli Agreement. In the ensuing plebiscite in November 1989, only four out of 13 provinces voted to join the autonomous region. In February 1990 the first election for regional officials was held, who assumed office in March 1990. Since then, there have been several successive regional administrations.
- Sixth Islamic Summit held in Dakar in December 1991: A turning point on several counts, the Summit ended in satisfaction with the government's measures for the Muslims, including the first mention of the MILF alongside the Front and the approval of the expanded Ministerial Committee from four to six.<sup>77</sup>

---

<sup>72</sup> The Government and Moro versions of these talks may be found in Aide Memoire on the Mindanao Peace Talks: Position of the Philippines Government Panel (1987) and Peace Betrayed: Moro-RP Negotiations, 1 January–25 July 1987 respectively.

<sup>73</sup> Early on, the Aquino administration had, even more than the Marcos regime, adopted a policy to de-internationalise the Front, avoided reference to the Tripoli Agreement and OIC mediation, and discouraged negotiations to bide time for the organic act. This is based on confidential documents obtained by the author.

<sup>74</sup> Campado PD, *The Moro-OIC Dyad and the Philippines Government's Policy Response to the Moro Struggle for Self-Determination* (1996, Asian Center, University of the Philippines, Manila) 180.

<sup>75</sup> Resolution No 41, Resolution on the Question of the Muslims of Southern Philippines, OIC, 17<sup>th</sup> ICFM, 21-25 March 1988, Amman, Jordan.

<sup>76</sup> See Senator Aquilino Q Jr, *A Blueprint for Peace and Progress* (1989, Senator Aquilino Q Pimentel, Manila).

<sup>77</sup> Resolution No 11, Resolution on the Question of Muslims in Southern Philippines, OIC, 6<sup>th</sup> Islamic Summit, 9-11 December 1991, Dakar, Senegal.

- February 1992: Ramos (then presidential candidate) paid a secret visit to Libya to meet Libyan President Colonel Qaddafi and to explore the resumption of peace negotiations if Ramos was elected president.

**(iii) The Ramos Period (1992-1996)**

The discussion here will be divided into two parts – process and substance.

*Process* – The Ramos period was the most productive period in the history of the peace negotiations that started with two exploratory talks. The first was held in Tripoli in October 1992. The second, held in Cipanas in April 1993, resulted in a Statement of Understanding that became the stage for formal talks in Jakarta with Indonesia as host/facilitator. The agenda focussed on the modalities for the 1976 Tripoli Agreement's full implementation including those portions of the Agreement left for further discussion and the transitional implementing structure and mechanism.<sup>78</sup> This guided the negotiations' structure for the next three years until the final agreement was signed. The process to determine the formal structure featured three levels of talks: (1) formal talks at panel level held in Jakarta, (2) Mixed Committee meetings held mostly in Mindanao, and (3) Support Committees meetings held in Mindanao and Metro Manila.

*Substance* – Five support committees divided the technical work on the nine substantive issues left for further discussion by the 1976 Tripoli Agreement. The Mixed Committee consolidated the result of this work and submitted substantive consensus points to the negotiating panels at the Formal Talks for their interim and final agreement. The Ad Hoc Working Group on the transitional implementation structure and mechanism submitted its work to the negotiating panels. An Indonesian diplomat who chaired the OIC Ministerial Committee of the Six facilitated the meetings that were held at all three levels. From October 1993-September 1996, there were four Formal Talks, nine Mixed Committee meetings and several meetings of the Support Committees. Various informal and unofficial meetings, caucuses and consultations

---

<sup>78</sup> See para 14 of the Statement of Understanding, 16 April 1993, Cipanas, West Java, Indonesia.

were held also, with emphasis "placed on small, informal and closed caucuses to tackle contentious issues".<sup>79</sup>

Towards the end of the process, consensus and interim agreement were achieved on most of the nine substantive issues forming the substance of autonomy. The contentious issues included those on national defence and regional security (especially the number of Moro forces to be integrated into the Philippines' military and police) and revenue sharing (national-regional).<sup>80</sup> The most contentious was the transitional implementation structure and mechanism regarding the Moro's demand for an immediate provisional government and territory comprising 13 provinces (including nine cities) under the 1976 Tripoli Agreement.

When the Front and OIC agreed to the government formula to implement the transitional structure and mechanism, the final agreement (which deviated from the 1976 Tripoli Agreement) was signed. The period between the Seventh and Eighth Mixed Committee meetings held in March 1996 (Zamboanga City) and June 1996 (Davao City) respectively were critical, when intense and crucial negotiations and mediations took place.<sup>81</sup>

The government formula contained a three-year extendable transitional Southern Philippines Council for Peace and Development (SPCPD)<sup>82</sup> under the Office of the President of the Philippines. This was intended to give the Front the necessary exposure and opportunity to prove its administrative skills over the 14-province Special Zone of Peace and Development (SZOPAD). This was a new autonomous region under a government with (presumably) expanded powers and territory, subject to specified constitutional processes of the Philippines.

The constitutional processes required Congressional action on a new organic act to incorporate the Peace Agreement on the substance of autonomy and replace the existing ARMM. A plebiscite followed to

---

<sup>79</sup> Interview with Ambassador Manuel T Yan, Negotiating Panel Chairman and Presidential Adviser on the Peace Process of the Philippines Government, 23 December 1998, Pasig City, the Philippines.

<sup>80</sup> See generally Ferrer MC (editor), *The Southern Philippines Council for Peace and Development: A Response to the Controversy* (1997, The Center, Quezon City).

<sup>81</sup> *Ibid.*

<sup>82</sup> *Ibid.*

determine the final territorial boundary.<sup>83</sup> Meanwhile, the Moro accepted the government formula in the Peace Agreement for a political alliance with the Ramos ruling party enabling the Moro to control the existing ARMM through elections.<sup>84</sup> The OIC agreed to its final role in the Peace Agreement, assisting and monitoring the implementation of the Agreement during the transitional period until the autonomous government was firmly established and generating international support for the SZOPAD at the same time.<sup>85</sup>

***(b) The OIC Framework and Processes***

To understand the OIC's role in the entire process, its framework, processes, resources, strategies and tactics will be examined below.

***(i) Peaceful Settlement***

The OIC framework is found in the OIC Charter. By referring to the United Nations Charter explicitly, the OIC Charter is supplemented by it implicitly. However, Julkipli M Wadi had observed that the processes for conflict settlement in both Charters were different since the OIC Charter emphasised Islamic diplomacy.<sup>86</sup> For example, the OIC Charter in Article II(B)4 uses the words "peaceful means such as negotiation, mediation, reconciliation or arbitration". Article II(A)2 uses "consultations among Member States in international organisations" and the Fifth Islamic Summit in Kuwait in 1987 added the word "adjudication" when the Statute of the International Islamic Court of Justice was annexed to the Charter.<sup>87</sup>

In contrast, the United Nations Charter in Article 33 uses "negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to

---

<sup>83</sup> Ibid.

<sup>84</sup> Anon, "1966 Peace Agreement with the Moro National Liberation Front" at <<http://www.incore.ulst.ac.uk/cds/agreements/pdf/phil16.pdf>> (visited June 2001).

<sup>85</sup> See generally Ferrer MC (editor), *The Southern Philippines Council for Peace and Development: A Response to the Controversy* (1997, The Center, Quezon City).

<sup>86</sup> Wadi JM, *Islamic Diplomacy: A Case Study of the OIC and the Pacific Settlement of the Bangsamoro Question 1972-1992* (1993, Institute of Islamic Studies, University of the Philippines, Manila).

<sup>87</sup> al Ahsan A, *OIC: The Organization of the Islamic Conference – An Introduction to an Islamic Political Institution* (1988, International Institute of Islamic Thought, Hendron) 129.

regional agencies or arrangements, or other peaceful means of their own choice". Chapter VII provides for other non-military and military measures to maintain or restore international peace and security including economic sanctions but this is not replicated in the OIC Charter. Although not mentioned in the United Nations Charter, the United Nations has also developed the means for peace making, peace keeping and peace building, functions performed by the Secretary-General and Security Council. Further, the Secretary-General may use 'good offices' and perform other third party functions.<sup>88</sup>

In the Moro dispute, the OIC had used good offices, mediation, inquiry, conciliation and sanction as shown in relevant ICFM resolutions on the conflict.<sup>89</sup> In addition, it is seen that regional arrangements, consultation and negotiation also played a role in the peace process.

**(ii) Enquiry and Good Offices**

The OIC's earliest interventions were in the form of enquiries and good offices. The First ICFM resolution on the dispute in 1972 resulted from "the information it...received from the Secretary-General...seek[ing] the good offices" of the government<sup>90</sup> and subsequent ICFM resolutions were prefaced by a reference to "fact-finding" reports by the Secretary-General and/or the Quadripartite Ministerial Commission created by the Fourth ICFM held in 1973 in Benghazi, Libya.<sup>91</sup>

The Front had also sent reports such as its memorandum to the Seventh ICFM held in Istanbul, Turkey in 1976.<sup>92</sup> Several indirect approaches followed after the OIC sought the government's good offices directly. In addition, the OIC did two things at the Fourth ICFM, the latter being

---

<sup>88</sup>United Nations, Basic Facts about the United Nations (1998, United Nations, Vienna) 67-108; Franck T, Fairness in International Law and Institutions (1998, Oxford University Press, Oxford) 173-217.

<sup>89</sup> Wadi JM, Islamic Diplomacy: A Case Study of the OIC and the Pacific Settlement of the Bangsamoro Question 1972-1992 (1993, Institute of Islamic Studies, University of the Philippines, Manila) 161-214.

<sup>90</sup> Resolution No 12, Resolution on the Situation of Moslems in the Philippines, OIC, 3<sup>rd</sup> ICFM, 29 February-4 March 1972, Jeddah, Saudi Arabia.

<sup>91</sup> Resolution No 4, Resolution on the Problem of Moslems in the Philippines, OIC, 4<sup>th</sup> ICFM, 24-26 March 1973, Benghazi, Libya.

<sup>92</sup> Resolution on the Problem of Moslems in the Philippines, OIC, 7<sup>th</sup> ICFM, 12-15 May 1976, Istanbul, Turkey.

crucial in hindsight. First, it appealed to "peace-loving states, religious and international authorities to use their good offices with the Philippines government". Secondly, it requested Indonesia and Malaysia "to exert their good offices...within the framework of ASEAN".<sup>93</sup>

**(iii) Mediation, not Conciliation**

Since the use of good offices was ineffective, generally speaking, a resolution passed at the Fifth ICFM held in Kuala Lumpur in 1974 urged the disputants to negotiate.<sup>94</sup> Although mediation during the First Jeddah Talks in 1975 failed, the 1976 Tripoli Agreement was signed following the successful Tripoli Talks.<sup>95</sup> However, the Agreement's implementation collapsed and at the Eighth ICFM held in Tripoli in 1977 mediation was proposed for the first time and became the Quadripartite Ministerial Commission's mission.<sup>96</sup>

The OIC's role did not end here because, according to Wadi, there were at least two attempts at 'conciliation'.<sup>97</sup> However, his examples do not fit into the established definition of conciliation. The first example concerned the Quadripartite Ministerial Commission's "Working Paper for the Meeting [in June 1975] of the Ministerial Four-Member Committee".<sup>98</sup> However, this had resulted in mediation, not conciliation, because a conciliation commission had not been established and many suggestions and options for a solution had been devised and promoted.<sup>99</sup> The second example referred to the Qaddafi-Marcos Accord in March

---

<sup>93</sup> Resolution No 4, Resolution on the Problem of Moslems in the Philippines, OIC, 4<sup>th</sup> ICFM, 24-26 March 1973, Benghazi, Libya.

<sup>94</sup> Resolution No 12, Resolution on the Situation of Moslems in the Philippines, OIC, 3<sup>rd</sup> ICFM, 29 February-4 March 1972, Jeddah, Saudi Arabia.

<sup>95</sup> See generally Wadi JM, *Islamic Diplomacy: A Case Study of the OIC and the Pacific Settlement of the Bangsamoro Question 1972-1992* (1993, Institute of Islamic Studies, University of the Philippines, Manila).

<sup>96</sup> Resolution No 25, Resolution on the Southern Philippines Question, OIC, 8<sup>th</sup> ICFM, 16-22 May 1977, Tripoli, Libya. See also Wadi JM, *Islamic Diplomacy: A Case Study of the OIC and the Pacific Settlement of the Bangsamoro Question 1972-1992* (1993, Institute of Islamic Studies, University of the Philippines, Manila).

<sup>97</sup> Wadi JM, *Islamic Diplomacy: A Case Study of the OIC and the Pacific Settlement of the Bangsamoro Question 1972-1992* (1993, Institute of Islamic Studies, University of the Philippines, Manila) 189-90.

<sup>98</sup> *Ibid.*

<sup>99</sup> Merrills JG, *International Dispute Settlement* (1991, 2<sup>nd</sup> edition, Grotius Publications, Cambridge) 34-36, 41-42.

1976 to 'salvage' the Second Tripoli Talks on the Tripoli Agreement's implementation.<sup>100</sup> Once again, this was not conciliation but a classic example of negotiation between two Heads of State to supplement or implement the Tripoli Agreement. The negotiation had been between the OIC (through Colonel Qaddafi of Libya) and the Philippines government (through First Lady Imelda Marcos).

(iv) Sanctions

Generally, sanction is a questionable method for the pacific settlement of disputes as it is not consensual in nature. Although Wadi considered sanction "in the light of OIC's pacific settlement", it is arguably only quasi-pacific in nature.<sup>101</sup> He argued that the OIC did not and could not employ economic sanctions against the government because the OIC was "not an economic power" and "the lack of political will" existed.<sup>102</sup> At the Eleventh ICFM held in Islamabad in 1980, a stronger resolution against the Marcos regime was passed calling upon OIC Members "to assert economic, social and political pressure on the government of the Philippines to induce it to implement the Tripoli Agreement".<sup>103</sup> Responding, Iran imposed a 5% cut-off for oil exports to the Philippines in October 1979 and Saudi Arabia terminated a contract for the delivery of 10,000 barrels of oil per day to the Philippines in November 1980.<sup>104</sup>

Although it is true that the OIC is distinct from the Organisation of Petroleum Exporting Countries (OPEC), it is also true that the oil-producing Muslim States feature prominently in both. Eventually, it was

---

<sup>100</sup> Wadi JM, *Islamic Diplomacy: A Case Study of the OIC and the Pacific Settlement of the Bangsamoro Question 1972-1992* (1993, Institute of Islamic Studies, University of the Philippines, Manila) 194-196.

<sup>101</sup> Note that although this was not a sanction per se, a prohibitive cost had been involved. The conflict in Mindanao drew upon 70% of the Philippines military at a cost of US\$37,000 per day and left two major island regions with reduced security against the communist insurgency there.

<sup>102</sup> Wadi JM, *Islamic Diplomacy: A Case Study of the OIC and the Pacific Settlement of the Bangsamoro Question 1972-1992* (1993, Institute of Islamic Studies, University of the Philippines, Manila) 197-214.

<sup>103</sup> Campado PD, *The Moro-OIC Dyad and the Philippines Government's Policy Response to the Moro Struggle for Self-Determination* (1996, Asian Center, University of the Philippines, Manila) 146.

<sup>104</sup> Wadi JM, *Islamic Diplomacy: A Case Study of the OIC and the Pacific Settlement of the Bangsamoro Question 1972-1992* (1993, Institute of Islamic Studies, University of the Philippines, Manila) 199-200, 228.

the successful OPEC oil embargo in 1973 and the threat of another economic sanction that induced the Marcos regime to negotiate with the Front and accept the OIC's offer of mediation.<sup>105</sup>

**(v) Consultation and Regional Arrangements**

To help the Filipino Muslims, some ICFM resolutions requested the Secretary-General to consult entities such as the Islamic States and the Quadripartite Ministerial Commission.<sup>106</sup> The resolutions also called for "consultation for the purpose of providing urgent assistance to all Muslim refugees in the Philippines".<sup>107</sup> Since the OIC was not a regional agency or arrangement, it had to depend on its Members for resources, notably Indonesia and Malaysia. It did not matter that the OIC was not an ASEAN member since it could rely on these two States to approach the Philippines "within the framework of ASEAN".<sup>108</sup> Consequently, although the dispute was never included on ASEAN's agenda (due to "diplomacy of accommodation" and "rules of silence and official non-interference")<sup>109</sup> the ASEAN connection featured prominently when the OIC shaped its policies on the dispute.

**(vi) The United Nations**

The United Nations was not involved in the dispute although its Charter provided for regional agencies and arrangements in dedicated provisions (Article 33 and Chapter VIII). When Colonel Qaddafi charged the government with genocide, this was the closest it came to the problem. As Prescillano D Campado explained:<sup>110</sup>

---

<sup>105</sup> Rodil, "The tri-people relationship and the peace process in Mindanao" located at <[www.mindanao.com/kalinaw](http://www.mindanao.com/kalinaw)> (visited June 2001).

<sup>106</sup> Resolution No 12, Resolution on the Situation of Moslems in the Philippines, OIC, 3<sup>rd</sup> ICFM, 29 February-4 March 1972, Jeddah, Saudi Arabia.

<sup>107</sup> Resolution on the Problem of Moslems in the Philippines, OIC, 7<sup>th</sup> ICFM, 12-15 May 1976, Istanbul, Turkey.

<sup>108</sup> Resolution No 12, Resolution on the Situation of Moslems in the Philippines, OIC, 3<sup>rd</sup> ICFM, 29 February-4 March 1972, Jeddah, Saudi Arabia.

<sup>109</sup> Antolik M, *ASEAN and the Diplomacy of Accommodation* (1990, ME Sharpe Inc, New York) 71.

<sup>110</sup> Campado PD, *The Moro-OIC Dyad and the Philippines Government's Policy Response to the Moro Struggle for Self-Determination* (1996, Asian Center, University of the Philippines, Manila) 78.

The OIC and the United Nations hold consultations and coordination meetings to address global issues...Because of this OIC-United Nations cooperation, it would be very difficult for the Moro to break grounds in the United Nations General Assembly and the Security Council unless it has the sponsorship of the OIC. For as long as the OIC sticks to its autonomy formula there is no way that the OIC will elevate the Moro struggle for self-determination to the United Nations.

Furthermore, the Moro and their homeland were not included in the United Nations' list on 'non-self-governing territories'.<sup>111</sup>

**(vii) The Major Powers**

Although major powers such as the United States, Japan, China, Russia and some European States were experienced in international dispute resolution, they were mainly unseen in this dispute except for the European Union's supportive statements in 1993 and 1995 and the statements of Japan and the United States in 1995.<sup>112</sup> The possible reasons included the issue of United States military bases in the Philippines, antagonism between Libya and the United States, and the international (not domestic) characterisation of the dispute.<sup>113</sup>

**(c) Diplomatic Practice and Approaches**

Diplomacy is another means for the peaceful settlement of disputes. In this dispute, three approaches are identifiable: Islamic, Asian and OIC.

**(i) Islamic Diplomacy**

The nature of the dispute permitted Islamic diplomacy to play a role.<sup>114</sup> *Kiyasa* (Islamic diplomacy) and *sifarah* (peaceful settlement) are part of

---

<sup>111</sup> Interview with Sastrohandoyo Wiryono, Indonesian Ambassador to Australia and Presiding Officer of the Formal Jakarta Talks, 3 December 1998, Canberra, Australia.

<sup>112</sup> Ramos FV, *Break not the Peace: The Story of the Philippines-Moro Peace Negotiations 1992-1996* (1996, Friends of Steady Eddie, Philippines) 41, 72-73.

<sup>113</sup> Interview with Sastrohandoyo Wiryono, Indonesian Ambassador to Australia and Presiding Officer of the Formal Jakarta Talks, 3 December 1998, Canberra, Australia.

<sup>114</sup> Wadi JM, *Islamic Diplomacy: A Case Study of the OIC and the Pacific Settlement of the Bangsamoro Question 1972-1992* (1993, Institute of Islamic Studies, University of the Philippines, Manila).

*siyar* (Islamic international relations or law). Contemporary Muslim scholars are presently reviewing *sifarah* as the classical framework for external relations, as distinct from *jihad* (misunderstood as 'holy war', strictly speaking).<sup>115</sup> Wadi posited that even as *siyar* evolved, the OIC had employed modern interpretations of *siyar* principles in the dispute alongside the United Nations' methods for pacific settlement. As *siyar* has not fully developed its substantive and operational frameworks, procedures and techniques, Wadi proposed that the OIC should "work for the institutionalization of the principles of the modern *siyar* through the conduct of Islamic diplomacy".<sup>116</sup>

In international relations, *siyar* can be easily misconstrued as interference in the domestic affairs of a State. This highlighted the complexity of the dispute and the OIC's role as mediator as illustrated by the following passage from Resolution No 18 passed at the pivotal Fifth ICFM held in Kuala Lumpur in 1973:<sup>117</sup>

CONSCIOUS of the complexity of the problem as it relates to an independent and sovereign state but at the same time concerned at the tragic plight of the Filipino Muslims;

6. APPEALS to peace-loving states...while recognizing the problem as a domestic problem of the Philippines...ensure the safety of Filipino Muslims...

7. DECIDES to establish...the Filipino Muslim Welfare and Relief Agency for the purpose of extending...aid direct to Muslims in the Southern Philippines...

Therefore, this was not deemed interference in the domestic affairs of a State but an expression of Islamic solidarity. It reflected the rationale for the OIC, founded on the Qur'anic principle of *ummah* that "recognize[d]

---

<sup>115</sup> Wadi relied particularly on Sulayman AHA, *Towards an Islamic Theory of International Relations: New Directions for Methodology and Thought* (1994, Islamic Institute of Islamic Thought, Hendron). See also the Chapter on "Islam and International Law" in Moinuddin H, *The Charter of The Islamic Conference and Legal Framework of Economic Co-operation among its Member States* (1987, Clarendon Press, Oxford) 14-65.

<sup>116</sup> Wadi JM, *Islamic Diplomacy: A Case Study of the OIC and the Pacific Settlement of the Bangsamoro Question 1972-1992* (1993, Institute of Islamic Studies, University of the Philippines, Manila) x.

<sup>117</sup> Resolution No 12, *Resolution on the Situation of Moslems in the Philippines*, OIC, 3<sup>rd</sup> ICFM, 29 February-4 March 1972, Jeddah, Saudi Arabia.

the rights of other people".<sup>118</sup> OIC aid to the Moro had been a constant thread running through the whole process, a unique feature beyond conventional mediation. From the OIC's viewpoint, the main objective was successful peace negotiations to ameliorate the Moro's plight pursuant to the *siyar* principle of *maslahah* (public good).<sup>119</sup>

Conventionally, mediators should be neutral in the mediation process with no conflict of interest. Thus, the OIC as mediator was controversial in its support of the Front as seen in the following examples:<sup>120</sup>

- it recognised the Front as the "sole and legitimate representative of the Bangsamoro";
- it permitted the Front to participate in Islamic Summits and ICFMs and establish liaison offices; and
- it granted the Front observer status, quasi-diplomatic status, privileges, political asylum, and "every form of assistance" or support "in all ways and means".

On the other hand, the OIC had continually urged the Front "to unite", beginning at the Eleventh ICFM held in Islamabad in 1980<sup>121</sup> and ending at the Sixteenth ICFM held in Fez in 1986 with a resolution. Since the Front thanked the Moro leadership "for its success in consolidating its domestic unity",<sup>122</sup> in this context it may be argued that the OIC used Islamic diplomacy effectively in resolving the dispute.

Generally speaking, Islamic diplomacy is not well developed in theory and practice resulting in various perceptions when adopted by the OIC in the peace process. At one extreme was Misuari's perception that 'Islamic tenets' existed "from beginning to end" and there was only one process, namely, *shura* (consultation).<sup>123</sup> At the other extreme was

---

<sup>118</sup> Wadi JM, *Islamic Diplomacy: A Case Study of the OIC and the Pacific Settlement of the Bangsamoro Question 1972-1992* (1993, Institute of Islamic Studies, University of the Philippines, Manila) 217.

<sup>119</sup> *Ibid* 231-237, 273.

<sup>120</sup> *Ibid* 230, 237-239, 276-277.

<sup>121</sup> Campado PD, *The Moro-OIC Dyad and the Philippines Government's Policy Response to the Moro Struggle for Self-Determination* (1996, Asian Center, University of the Philippines, Manila) 146-151.

<sup>122</sup> Resolution No 28, Resolution on the Question of Bangsamoro Muslims in South Philippines, OIC, 16<sup>th</sup> ICFM, 6-10 January 1986, Fez, Morocco.

<sup>123</sup> Interview with Professor Nur Misuari, Moro Chairman, 19 December 1998, Manila.

Ambassador Wiryono's perception that diplomacy was "not Islamic, just pure negotiations of give and take".<sup>124</sup> In between, the government's Panel Chairman, Ambassador Yan, felt that the diplomacy that occurred was "very Islamic and Asian in style" where "[p]ersonal relationships were promoted and nurtured".<sup>125</sup> On the other hand, Libyan Ambassador Azzarouq emphasised the Islamic culture of peace as a key ingredient, influenced (presumably) by his long experience as a diplomat in the United Nations where conflict resolution rested on the building of trust (rational act) instead of the balancing of rights (adversarial act).<sup>126</sup>

## **(ii) Asian Diplomacy**

Indonesia had employed Asian diplomacy in the peace process. Speaking on the Muslim diplomatic approach, Ambassador Hartono emphasised the word "approach", not "Muslim". He stated that although the OIC Members were all Muslim, Indonesia's approach was "different from the Saudi or Libyan approach".<sup>127</sup> In this respect, Indonesia claimed its diplomatic practice was more Asian than Islamic in character. More precisely, it was ASEAN in nature.

On the principle of non-interference in the domestic affairs of States, Indonesia's position had reflected the ASEAN framework, not the Islamic *ummah*. As Antolik explained:<sup>128</sup>

Because the Philippines is viewed as a partner, Indonesia and Malaysia can support Manila's sovereignty over Muslims...Without the euphemism of 'ASEAN,' Indonesian and Malaysian collaboration on a domestic matter would be much more difficult for the Philippines to accept and for them to offer.

---

<sup>124</sup> Interview with Sastrohandoyo Wiryono, Indonesian Ambassador to Australia and Presiding Officer of the Formal Jakarta Talks, 3 December 1998, Canberra, Australia.

<sup>125</sup> Interview with Ambassador Manuel T Yan, Negotiating Panel Chairman and Presidential Adviser on the Peace Process of the Philippines Government, 23 December 1998, Pasig City, Philippines.

<sup>126</sup> Azzarouq RA, *The National Security of the Philippines: Political Developments, Issues and Prospects in a Changing World* (1998, Asian Center, University of the Philippines, Manila).

<sup>127</sup> Interview with Abu Hartono, Indonesian Ambassador to the Philippines, 22 December 1998, Makati City, the Philippines.

<sup>128</sup> Antolik M, *ASEAN and the Diplomacy of Accommodation* (1990, ME Sharpe Inc, New York) 81.

At the signing of the final peace agreement in Jakarta on 30 August 1996, President Soeharto observed:<sup>129</sup>

There is, however, a new tendency in this post-Cold War that is no less alarming and that is the outbreak in various regions of domestic conflicts with international dimensions. Unfortunately, the United Nations and its apparatuses have only a very limited capability to deal with such conflicts. Its mechanisms for the maintenance of international peace and security are geared towards addressing inter-State types of conflict rather than domestic ones. In view of this reality, the United Nations itself has encouraged regional organisations to endeavour to help in the search for peaceful solutions for the simple reason that regional organisations have a fuller grasp of root causes of the conflict. Thus, ASEAN was actively involved in the successful search for a peaceful solution to the Cambodian conflict and the OIC in this quest for peace in the Southern Philippines.

Such regional efforts should therefore be seen as complementary and supportive of the global work of the United Nations. The peaceful solution to the conflict in the Southern Philippines could serve to prove before the international community that conflicts within regions could be solved by the region or the community of nations concerned using only their resources, their creativity and their determination to achieve peace. In fact, I would not be surprised if analysis of international politics would see in the peace process in the Southern Philippines valuable lessons with possibly some applicability elsewhere.

Referring to the peace negotiations during his presidency, Ramos stated that the "ASEAN approach of *Musjawarah* (consultation) and *Mufakat* (consensus) proved to be most productive".<sup>130</sup> The corresponding Islamic principles were *shura* (consultation) and *ijma* (consensus).<sup>131</sup>

---

<sup>129</sup> Address at the initialling of the Final Peace Agreement between the Government of the Republic of the Philippines and the Moro National Liberation Front at the State Palace, 30 August 1996, Jakarta, Indonesia.

<sup>130</sup> Ramos FV, *Break not the Peace: The Story of the Philippines-Moro Peace Negotiations 1992-1996* (1996, Friends of Steady Eddie, Philippines) 98.

<sup>131</sup> Wadi JM, *Islamic Diplomacy: A Case Study of the OIC and the Pacific Settlement of the Bangsamoro Question 1972-1992* (1993, Institute of Islamic Studies, University of the Philippines, Manila) 236.

This reflected Ambassador Wiryono's strategy when he was Presiding Officer of the annual Formal Jakarta Talks. At the 1993-1996 Talks, interim agreements for consensus were negotiated facilitated by the cordiality of the Talks especially outside the formal sessions. Personal relationships developed amongst the representatives, and they shot with 'Instamatics', not automatics.<sup>132</sup> Indonesia also served as interim ceasefire monitor-observer<sup>133</sup> and deployed Indonesian Army officers (wearing OIC identification) in Mindanao.<sup>134</sup> In this sense, one could refer to Indonesia's diplomacy as 'corridor', 'elevator' or 'hotel room' diplomacy or simply as the 'Indonesian solution' but Indonesia preferred to consider itself a facilitator (not mediator) because "[m]ediation implies that the MORO is a national entity".<sup>135</sup>

Thus, it is seen that Indonesia's role went beyond mediation as it employed manipulation, communication-facilitation and formulation as extra strategies. This reflected Touval and Zartman's threefold mediation classification that, according to Bercovitch, "offers the best taxonomy for the student of international mediation".<sup>136</sup>

### **(iii) OIC Diplomacy**

The OIC held several informal consultations with the disputants. At an informal meeting of the OIC Ministerial Committee of Six held in Jakarta in early June 1996, a peace settlement was signed.<sup>137</sup> In his Report, Dr Hassan Wirajuda, Indonesian Chairman of the Mixed Committee, stated:<sup>138</sup>

---

<sup>132</sup> Interview with Sastrohandoyo Wiryono, Indonesian Ambassador to Australia and Presiding Officer of the Formal Jakarta Talks, 3 December 1998, Canberra, Australia.

<sup>133</sup> The Interim Ceasefire Agreement between the government and the Front was signed in Jakarta, Indonesia on 7 November 1993.

<sup>134</sup> Interview with Sastrohandoyo Wiryono, Indonesian Ambassador to Australia and Presiding Officer of the Formal Jakarta Talks, 3 December 1998, Canberra, Australia.

<sup>135</sup> *Ibid.*

<sup>136</sup> Bercovitch, "The structure and diversity of mediation in international relations" in Bercovitch J and anor (editors), *Mediation in International Relations: Multiple Approaches to Conflict Management* (1992, St Martin's Press, New York) 1, 16-18.

<sup>137</sup> Note the interview with Abu Hartono, Indonesian Ambassador to the Philippines, 22 December 1998, Makati City, the Philippines and the documents of the Meeting of the OIC Ministerial Committee of the Six, 3-4 June 1996.

<sup>138</sup> Report of the Chairman of the Mixed Committee Meeting to the 4<sup>th</sup> Round Formal Peace Talks, 29 August 1996, Jakarta, Indonesia.

On the proposed transitional implementing structure and mechanism, the OIC Ministerial Committee of the Six requested the [Front] Panel to consider the fact that the establishment of a provisional autonomous government as a political unit in the Southern Philippines would violate the Constitution of the Philippines, therefore could not be accommodated by the [government] Panel. Following extensive discussion on the matter, the [Front] Panel responded positively.

The OIC position upheld the Constitution of the Philippines and adopted its sovereignty and territorial integrity framework, thus reflecting Resolution No 18 of the Fifth ICFM, the Tripoli Agreement and the OIC Charter. Although the OIC Charter noted that there were 'dual bases' for Islamic *ummah* and secular nation-statism, when it conflicted with the United Nations Charter the latter would prevail although both had similar provisions in this matter. In this respect, the government's position<sup>139</sup> outweighed the Front's position<sup>140</sup> and *realpolitik* saw national interests prevail over the international Islamic militant stance adopted by the Islamic revolutionary states.<sup>141</sup>

Owing to the OIC's limitations and poor track record in resolving intra-Muslim disputes, notably the Gulf War, the Peace Agreement was a major achievement for the various parties concerned. By all accounts, the disputants were satisfied with the outcome and the fairness and

---

<sup>139</sup> This included the promotion of cooperation and understanding among Member States and other States, non-interference in the domestic affairs of Member States, and respect for the sovereignty, independence and territorial integrity of Member States.

<sup>140</sup> This included the eradication of colonialism in all its forms, the strengthening of the struggle of the Muslim peoples and respect for the right of self-determination.

<sup>141</sup> Excellent discussions on these points are found in several books. For example, see al Ahsan A, *OIC: The Organization of the Islamic Conference – An Introduction to an Islamic Political Institution* (1988, International Institute of Islamic Thought, Hendron); Piscatori J, *International Relations of the Asian Muslim States* (1986, University Press of America, Lanham, MD). More particularly, see Hashmi, "Pan-Islamism, state sovereignty and international organization" in Hashmi SH (editor), *State Sovereignty: Change and Persistence in International Relations* (1997, Pennsylvania State University Press, University Park) 49, 73-80 on the OIC; Levtzion N, *International Islamic Solidarity and its Limitations* (1979, Magnes Press, Jerusalem) on the limitations of international Islamic solidarity; Moinuddin H, *The Charter of The Islamic Conference and Legal Framework of Economic Co-operation among its Member States* (1987, Clarendon Press, Oxford) 75-100 on the OIC Charter's objectives and principles.

efficiency of the process, especially during the Ramos era. The most contentious issues were settled in the agreement that became the basis for change in the disputants' behaviour and in their dealings with one another. The change was best seen when the Front adopted the path of "liberation through peace and development" and integration into the Philippines political mainstream.<sup>142</sup>

Whether the peace settlement would be lasting depends on the different levels or dimensions of peace in Muslim Mindanao. For example, how the parties comply with the peace agreement would significantly dictate its success. Although the agreement represented and consolidated a certain level of gains for the Moro people, the full complexity of the Mindanao problem had been underscored not only by the historical past but by the demographic present as well.

Three different groups of people live on Mindanao Island – the Moro, the even more marginalised indigenous *Lumad* and the dominant westernised Christians.<sup>143</sup> This often caused tension and conflict, usually felt at the local community level, but they must be addressed to bring about a viable pluralistic future for the region. As Peter M Sales observed, "the best and most positive initiatives of all must foster knowledge between the diverse ethno-religious communities of Mindanao".<sup>144</sup> Further, Prescillano D Campado noted:<sup>145</sup>

An enduring regime of peace and development is one in which the three communities – the Muslims, the Christians, and the Tribal Communities – live together with dignity.

---

<sup>142</sup> This position reflected the criteria for evaluating international mediation found in Bercovitch, "The structure and diversity of mediation in international relations" in Bercovitch J and anor (editors), *Mediation in International Relations: Multiple Approaches to Conflict Management* (1992, St Martin's Press, New York) 1, 22-4.

<sup>143</sup> Rodil, "The tri-people relationship and the peace process in Mindano" at <[www.mindanao.com/kalinaw](http://www.mindanao.com/kalinaw)> (visited June 2001).

<sup>144</sup> Sales, "War and peace in the Southern Philippines: An analysis of negotiations between the Ramos Administration and the Moro National Liberation Front" (1996) *Fall:27 Pilipinas* 47, 62.

<sup>145</sup> Campado PD, *The Moro-OIC Dyad and the Philippines Government's Policy Response to the Moro Struggle for Self-Determination* (1996, Asian Center, University of the Philippines, Manila) 288-289.

## VII. CONCLUSION

The OIC played an indispensable role in bringing about the peace negotiations and peace agreement shaping both the process and the outcome. Ambassador Yan stated that an agreement had resulted "simply because such involvement [by the OIC] was a precondition of the Front in agreeing to come to the negotiating table".<sup>146</sup> Similarly, Misuari stated that the talks and agreement would have been "impossible without the OIC because the Front was determined for sovereignty".<sup>147</sup>

A combination of approaches and processes was used to resolve the dispute creating a unique example of international dispute resolution by an international organisation within the context of a domestic armed conflict. This bodes well for the increased use of regional agencies or arrangements, consultation and even good offices in the peaceful settlement of conflicts in the future. Islamic, Asian or other similar methods should also be adopted if relevant and appropriate.

Finally, as proposed by Wadi, studies should be initiated on the OIC model to facilitate the adoption of some of the operational principles and methods of *siyar* (modern Islamic international relations). Scholars, social scientists and jurists with expertise in both *siyar* and international law and relations should also be commissioned to assist in this task.<sup>148</sup>

---

<sup>146</sup> Interview with Ambassador Manuel T Yan, Negotiating Panel Chairman and Presidential Adviser on the Peace Process of the Philippines Government, 23 December 1998, Pasig City, the Philippines.

<sup>147</sup> Interview with Professor Nur Misuari, Moro Chairman, 19 December 1998, Manila.

<sup>148</sup> Wadi JM, *Islamic Diplomacy: A Case Study of the OIC and the Pacific Settlement of the Bangsamoro Question 1972-1992* (1993, Institute of Islamic Studies, University of the Philippines, Manila) 280-281.