

Peacebuilding Model of Third-Party Mediation in the Philippines: Comparing Malaysia and the OIC

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Abstract

Many nation-states have increasingly found themselves in a situation where they are unable to sort out their domestic conflicts without third party mediation. This is particularly true for a country like the Government of the Philippines (GPH) who has been fighting violent protracted internal conflicts for many decades against Bangsamoro revolutionary groups. Therefore, with respect to the above, the purpose of this article is to compare peacebuilding models of third party mediation to the Bangsamoro conflicts with particular focus between Malaysia and the Organization of Islamic Conference, presently Cooperation (OIC). Its approach is primarily an eclectic, by concentrating on the strengths and weaknesses of the peacebuilding models of the third party mediation as employed by both Malaysia and OIC. The article is divided into two major parts. The first part discussed both Malaysia and OIC's diplomatic approaches in dealing with the Bangsamoro conflict, while the second part explained inclusivity versus exclusivity of both Malaysia and the OIC respectively. The study found that Malaysia's model is more durable and successful when compared to OIC's. In fact, Malaysia's quiet diplomacy and less confrontational approach with greater inclusivity were more effective compared to elitist and confrontational approach of the OIC's mediation to the Bangsamoro conflicts. Indeed, the Government of the Philippines and Moro Islamic Liberation Front (GPH-MILF) peace process is one of the most inclusive peace processes in the world. It may have some who were left out in the peace process, but they were all consulted by both Manila and the Moro Islamic Liberation Front (MILF) as opposed to OIC mediated Government of the Republic of the Philippines and the Moro National Liberation Front (GRP-MNLF) peace negotiations. Therefore, it is pertinent to conclude that there is nothing that resembles the inclusivity of the GPH-MILF peace process that characterized the exclusivity of the GRP-MNLF peace process.

Keywords: Exclusivity; GPH-MILF peace process; GRP-MNLF peace process; Inclusivity; Open diplomacy; Quiet diplomacy; Third-party mediation.



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1. Introduction

An outbreak of violent conflicts between the Christian-Filipinos who dominated Manila government and the Bangsamoro revolutionary groups in the late 1960's led to third party interventions to the Bangsamoro conflicts. In 1972, the Organization of Islamic Cooperation (OIC) began to intervene in the Bangsamoro conflict by sending its first fact-finding mission to the Southern Philippines, which led to the peace process between the Government of the Republic of the Philippines and Moro National Liberation Front known as the GRP-MNLF peace process. The GRP-MNLF peace talks finally ended with the signing of both the 1976 Tripoli Agreement and the 1996 Jakarta Final Peace Agreement.

With regards to Malaysia, though its interference to the Bangsamoro conflicts started at the onset of the conflicts in the late 1960s, but its official involvement to the GPH-MILF peace process as a mediator started when the then Philippine President Gloria Macapagal-Arroyo requested for its assistance to facilitate the peace process between Manila and the MILF in 2001 (Mohagher and Iqbal, 2018). At that point of time, initiatives to establish peace between the conflicting parties became stuck and were unable to break impasse by themselves. As a result of this, former President Arroyo specifically sought Malaysia's help so as to convince the MILF to continue peace talks with the Philippines. Such formal request from Manila significantly recognized the role of Malaysia as a third party in mediating the GPH-MILF peace process.

In addition to the above, this Bangsamoro conflict represents a watershed moment in its history. The long protracted conflict and the tense relations between Manila and Bangsamoro independence movements were accompanied by a fundamental change in Manila-Bangsamoro relations and Bangsamoro-international relations. In a

domestic context of more or less four decade-conflict and its fallout since late 1960s, and the international context of the changing nature as well as the roles of the international actors, the political space was created not only for lasting just, but also for practical and acceptable political peace settlement in the region. Such change is rooted in the development and consolidation of democracy in general, as well as the growing acceptance of the minority groups' quest for self-determination by majority groups. Consequently, this resulted in a series of processes, the GRP-MNLF and the GPH-MILF peace talks, as to resolve the Bangsamoro conflict, but both processes have so many ups and downs which were instigated by peace spoilers mainly from members of Philippine Congress during the presidency of Benigno S. Aquino III.

However, the current administration of Philippine President Rodrigo Roa Duterte was really determined to solve the Bangsamoro problem by addressing what they called historical injustice. In order to accelerate the process, President Duterte certified the Bangsamoro Basic Law (BBL), presently the Bangsamoro Organic Law (BOL), as urgent bill. As a result, the Philippine House of Senate and House of Representative were able to prioritize the passage of the bill and accordingly ratified it on 23 and 24 July 2018 respectively. Then, on 27 July, 2018 (Salman, 2018) revealed that Philippine President Duterte signed Republic Act No. 11054 or Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao into law.

With this development, this article aimed to compare a peacebuilding model of a third party to the Bangsamoro conflict, with particular focus between Malaysia and OIC. The article used mixed research methodology by adopting both qualitative and quantitative approaches. As for the qualitative research methodology, semi-structured interviews were conducted and content analysis of official documents and wide range of secondary scholarly material were also used. For quantitative method, the study adopted PESTLE analysis. PESTLE stands for - political, economic, sociological, technological, legal and environmental to measure Malaysia's political, economic and security interest in the Bangsamoro Homeland. Structured Interviews with respondents in the Bangsamoro homeland were also conducted. These combined methods made it easy for the study to examine the strengths and weaknesses of the peacebuilding models of Malaysia and that of OIC. Thus, this article mainly highlighted the strengths and weaknesses of the peacebuilding models of both Malaysia and the OIC.

2. Framework of Analysis

In most cases, especially those stronger actors (i.e.state actors), tend to reject third party's intervention (as opposed to weaker actors) because they perceived it as an intervention to their domestic affairs. This attitude, however, is changing as in recent years, most violent conflicts now occur within the states rather than between states (Peter and Ben, 2003); Cited in (Abhoud and Lingga, 2006). So, when disputants are stuck and could not overcome impending stalemate, third party mediation would become a necessary evil. As what (Abhoud and Lingga, 2006) rightly stated that the usual response to violent and persistent conflicts when the parties involved are unable to manage their differences is third party intervention. Conflicting parties, in most cases, if not all, nations and at all levels of social interactions have had access to external actors to whom they can turn when they find they are unable to maintain their differences (Ronald and Fisher, 2001). Perhaps, it is imperative to note here that third party mediation can be done by any entity with means and standing (Bercovitch and Scott, 2009). However, Fisher cautioned us when he noted that:

Mediation, which is intended to facilitate the negotiation process, also needs to be practiced within the norms and assumptions of any given cultural milieu, whether that be the culture of a given society or identity group, an organization or set of institutions, or diplomacy (Ronald and Fisher, 2001).

In fact, Fisher developed a sixfold typology of pacific interventions that he claimed are applicable at both domestic and international levels [refer to Table 1].

Table-1. Fisher's Pacific Interventions Typologies

	Typology	Meaning
1	Conciliation	A trusted third party provides an informal communication line between parties to identify the issues, lowering tension and encouraging direct interaction, usually in the form of negotiation.
2	Consultation	A third-party works to facilitate creative problem-solving through communication and analysis is making use human relations skills and social-scientific understanding of conflict etiology and dynamics.
3	Pure mediation	A third-party works to facilitate a negotiated settlement on substantive issues through the use of reasoning, persuasion, effective control of information, and the suggestion of alternatives.
4	Power mediation	Pure mediation and use leverage or coercion in the form of promised rewards or threatened punishments. It may also engage the third-party as monitor and guarantor of the agreement.
5	Arbitration,	A third-party renders a binding judgment arrived through consideration of the individual merits of the opposing positions and then imposes a settlement which is deemed to be fair and just.
6	Peacekeeping	A third-party provides military personnel to monitor a ceasefire or an agreement between disputants and also conduct humanitarian activities designed to restore normalcy

Source: Ronald and Fisher (2001). "Methods of Third-Party Intervention" Bergh of Handbook for Conflict Transformation. Berlin, Germany: Berghof Research Center for Constructive Conflict Management.

According to Abhoud and Lingga (2006) the utility of these types of third party intervention will not necessarily result in the same outcome because they are planned to produce particular outputs. For example, mediation is

designed to produce agreement, while third-party consultation is not. This makes the assessment of the third party intervention complicated. At this juncture, (Abhoud and Lingga, 2006) expressed further by quoting (Ronald and Fisher, 2001) who suggested that the evaluation of effectiveness must first consider the differing objectives of the forms of interventions. With this, some fundamental questions were raised such as: What is Malaysia's diplomatic approach in its role as a peacebuilding third party mediator to the Bangsamoro conflicts? How did it differ with the OIC diplomatic model? In other words, how can we best describe and know between the models which one is more effective and durable in pursuit of not only lasting peace, but acceptable political settlement to the "Bangsamoro problem?"

3. Quiet Diplomacy Versus Open Diplomacy

Perhaps, one of the most obvious differences between Malaysia and OIC in their quest to intervene in the Bangsamoro conflict was their contrasting diplomatic approaches. We are not motivated in this study by any intent to demonstrate the desirability or undesirability of diplomatic approaches between Malaysia and the OIC. As pointed out earlier, the primary questions guiding this study are: What is Malaysia's diplomatic approach in its role as peacebuilding third party mediator to the Bangsamoro conflicts? How did it differ with the OIC diplomatic model? In other words, how can we best describe and account of which models is more effective and durable in search of not only lasting peace, but an acceptable political settlement to the "Bangsamoro question?" Subsequent paragraphs would first discuss Malaysia's diplomatic approach to the Bangsamoro conflicts.

Malaysia is known for her quiet diplomacy. Its preference to "quiet diplomacy" is very much rooted from Malays' cultures characterized by some as one of the most feudalistic societies in the ASEAN region despite of its presently known modernity. As Mohagher and Iqbal (2018) said that common Malay culture and temperament among the key players no doubt eased Malaysian facilitation, and its regular role made it the constant figure in the ups and downs of the peace process. Also, as an invited peace broker of the GPH-MILF peace negotiations, Malaysia's mediators travelled to Manila to meet GPH peace panels and their principal. They listened and discussed with them on the critical issues pertaining to the GPH-MILF peace process. After securing positions of the GPH, then they travelled to Cotabato City, Philippines and did similar ways so as to get MILF positions. This can be seen in his revelation as revealed:

During his first chance as Malaysia's Prime Minister, Tun Dr. Mahathir Mohamad sent a three-person delegation to the MILF in early 2001. The delegation was led by the late Tengku Dato' Abdul Ghafar bin Tengku Mohamed. Two others, as members, accompanied him, namely Hasanah binti Abdul Hamid, the former Director General of the Research Department of the Prime Minister's Department, and Nik Abdul Aziz Nik Mat, who remains connected with the facilitation to this day. The delegation met the MILF Central Committee led by the late Chairman Salamat Hashim in Buliok, Pagalungan, Maguindanao (Mohagher and Iqbal, 2018).

This process was very effective in identifying points of disagreement between Manila and the MILF where the two conflicting parties were stuck in their formal negotiations. It was also aimed to lower tensions between GPH and the MILF and thereby encouraged them to go back to the negotiating table. As Ronald and Fisher (2001) argued in his work titled "Methods of Third-party Intervention," that conciliation is appropriate where a trusted third party provides an informal communication link between parties to identify the issues, lowering tension and encouraging direct interaction, usually in the form of negotiations. In fact, this approach (Malaysia's conciliation) was very crucial to the conclusion of both the FAB and CAB. This process continued throughout the GPH-MILF peace process.

To further ensure its smooth process, Malaysia patiently waited the right time for both conflicting parties to discuss face-to-face. So, when Manila and the MILF agreed to meet and negotiate peace in Kuala Lumpur, Malaysia, it (Malaysia) did not just allowed them to meet and discuss peace in one room. For instance, even though the GPH and the MILF peace panels were in one hotel somewhere in Malaysia's Capital, Kuala Lumpur, still Malaysia shuttled again from one room (GPH panel) to another room (MILF panel) to avoid untoward incidence. Thus, Malaysia provided a conducive atmosphere for the parties, presided the talks as referee in case of misunderstandings and helped bridge differences by shuttling between them consistently (Mohagher and Iqbal, 2018). This approach was in line with Ronald and Fisher (2001) description of a situation where two disputing parties usually maintain respectful relationships ... and are jointly concerned with achieving joint gain on objective interests, but they are hesitant to move into negotiations. In a moment of deadlock where peace negotiations became stuck, Malaysia seemed appropriately applied *muafakat* (consensus, willingness to compromise) and *musyawarah* (consultation, dialogue, no public confrontation) model of third party intervention which is rooted on Malays' dispute settlement as pointed out earlier.

So, Malaysia throughout the process worked hard to make sure that both conflicting parties willingly agreed to the talking points of the negotiations and were ready to meet their counterparts in a less combative mood. Malaysia creatively engaged both disputing parties, more specifically, when there was a deadlock in the peace talks. In this regard, Lingga revealed that:

When the GRP (now GPH) peace panel refused to sign the implementing guidelines on the humanitarian, rehabilitation and development aspects of the GRP-MILF Tripoli Agreement of 2001, it used back channel negotiations to break the impasse. After government forces attacked the MILF positions on February 11, 2003, Malaysia, invited the two parties to an exploratory talks for the purpose of exploring new ideas on how the formal negotiations would resume. Instead of convening the resumption of formal negotiations, it applied exploratory talks as the venue for

discussions on substantive matters related to ancestral domain. Obviously, the intention was that when formal talks resume there would be an assurance that an agreement would be reached since contentious issues were ironed out already during the exploratory talks. It would also dispel the impression that the negotiations would bog down when no agreement is reached since it was just exploratory in nature (Abhoud and Lingga, 2006).

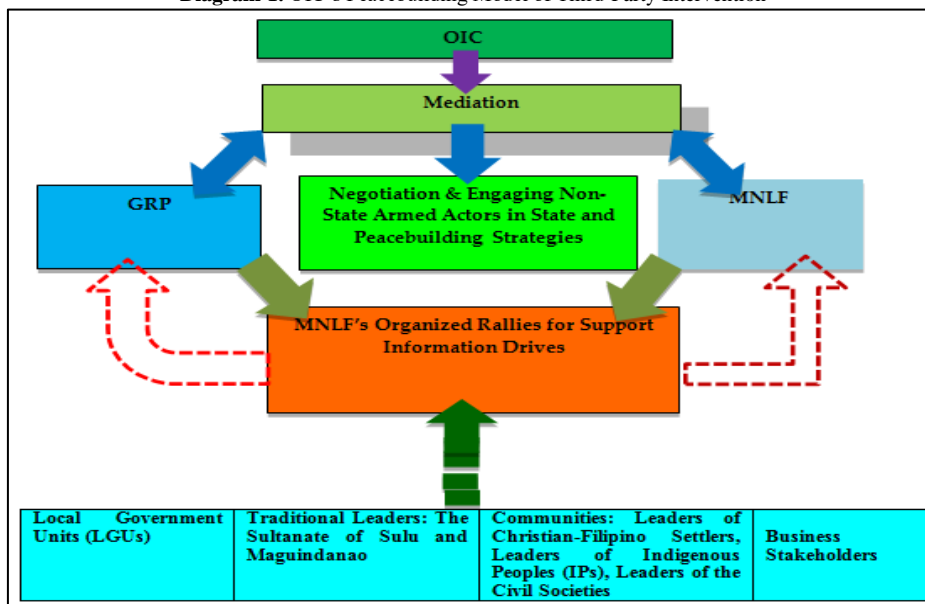
In addition to the above, Malaysia’s quiet shuttled diplomacy was usually intense whenever the GPH and MILF’s negotiations stuck as pointed out earlier. When the right time came, Malaysia, invited both parties to sit at the negotiation table and discussed the agenda of the meeting. As what MILF Roving Ambassador (Salman, 2017) correctly described, when he said that Malaysia wanted to make sure that both parties were not only reading the same book, but at least also the same page if not paragraph. So, Malaysia’s sound coordination was very instrumental in bringing disputing parties into the negotiation table with less risk of spoiling the GPH-MILF peace process from its very start. In fact, we believed that Malaysia’s model of third party mediation and quiet diplomacy, helped to avoid confrontation between the GPH and the MILF peace panels.

In contrast to Malaysia, the OIC led mediation often used open diplomacy in bringing two disputing parties to the negotiation table. Perhaps, more explicit use of pressure against Manila was in 1973 during the Benghazi meeting in Libya when the Pan-Islamic organization created the Quadripartite Ministerial Committee with the mandate of looking into the conditions of the Bangsamoro homeland. Members of the committee included Saudi Arabia, Libya, Senegal and Somalia. In this connection, Harris quoted fifth Islamic Conference of Foreign Ministers (ICFM) as urging both the GRP and the MNLF as follows:

Manila has to find a political and peaceful solution through negotiation with Bangsamoro leaders, particularly with the representative leaders of the MNLF in order to arrive at a just solution to the plight of the Bangsamoro within the framework of Philippine national sovereignty and territorial integrity (Harish, 2005; Julkifli, 1993; Rodil and Kalinaw, 2000).

Thus, the OIC usually through, often applied pressure on both Manila and the MNLF, more particularly, against the former to settle its dispute peacefully with the latter under Nur Misuari leadership. For instance, when the then Philippine President Ferdinand E. Marcos was reluctant to any sort of third party interference, the OIC, more specifically the Kingdom of Saudi Arabia and Libya imposed an oil embargo against the Philippines in order to force the latter to negotiate with the MNLF. The red arrow in diagram 1 depicts the OIC’s confrontational diplomatic approach in bringing the two disputing parties into negotiating table.

Diagram-1. OIC’s Peacebuilding Model of Third-Party Intervention



Source: Survey Conducted in 2017 at three cities and three Villages in Mindanao, under research project titled “Towards a Pre-and Post- Model of Third Party Intervention in Peace building Process: The Role of Malaysia in Bangsamoro Conflict” funded by Fundamental Research Grand Scheme

This “Rambo approach” was effective in forcing both conflicting parties, especially Manila to negotiate with the MNLF so as to reach peaceful political settlement to the “Bangsamoro problem.” Evidence for this claim was the conclusion of the 1976 Tripoli Agreement and the 1996 Jakarta Final Peace Agreement which (Marites and Glenda, 2000) claimed as success. However, this has been where he reinforced his repudiation by quoting the then OIC Secretary General Prof. Ekmeleddin Ihsanoglu as saying:

With regard to the Philippines, ten years have elapsed since the final peace agreement was signed by Manila and MNLF in 1996. Regrettably, this peace agreement did not bring real peace. Disagreement on the interpretations of some provisions of the agreement led to the resumption of hostilities (Abhoud and Lingga, 2006).

Based on the facts pointed out earlier, the paper argued that OIC leadership as a third party mediator were preoccupied of reaching an agreement between the MNLF and the Philippine government by using their economic

leverage (oil) and political bargaining power to force both conflicting parties to come into an agreement. It also and negated conciliation and consultation, which are crucial for a success (implementation) of any signed agreement. As a result, the 1976 Tripoli Agreement and the 1996 Jakarta Agreement were not only rejected by the Filipino’s people, but even both conflicting parties were not faithful to it. In this regard, we strongly agreed to Lingga’s argument that OIC mediation as a third party should not be concerned only of reaching agreements; equally important is the faithful compliance with the terms of the agreement (Abhoud and Lingga, 2006). So, Malaysia seems to have learned a lesson from this failure. As a result, Malaysia together with both conflicting parties, the GPH and the MILF, came out with procedures and institutional structures in determining either the GPH-MILF peace agreements are implementable or not. Thus, these would be discussed in detail in the succeeding discussions.

4. Inclusivity Versus Exclivity

Perhaps, another interesting aspect of both Malaysia and OIC’s peacebuilding models was the issue of inclusivity versus exclusivity. For a better understanding of the issues surrounding the inclusivity and exclusivity of both the GPH-MILF and the GRP-MNLF peace processes, this article briefly surveyed major issues and debates on the conduct of both Malaysia and OIC’s peacebuilding third party involvements to the Bangsamoro conflicts. To begin with, we looked at the model of Malaysia’s third party intervention and how it was applied to the GPH-MILF peace talks. To ensure the inclusiveness of the GPH-MILF peace process, Malaysia encouraged both conflicting parties to conduct intensive consultations among affected stakeholders in the Philippines while maintaining its Malays’ quiet diplomacy through *muafakat* and *musyawarah* as pointed out earlier. At this juncture, parallel processes, whereby leaders or representatives from Local Government Units (LGUs), traditional leaders, local civil societies and other stakeholders were given access to observe and even in some occasions allowed to engage directly with the GPH, MILF and mediators at the negotiation table as shown in diagram 2.

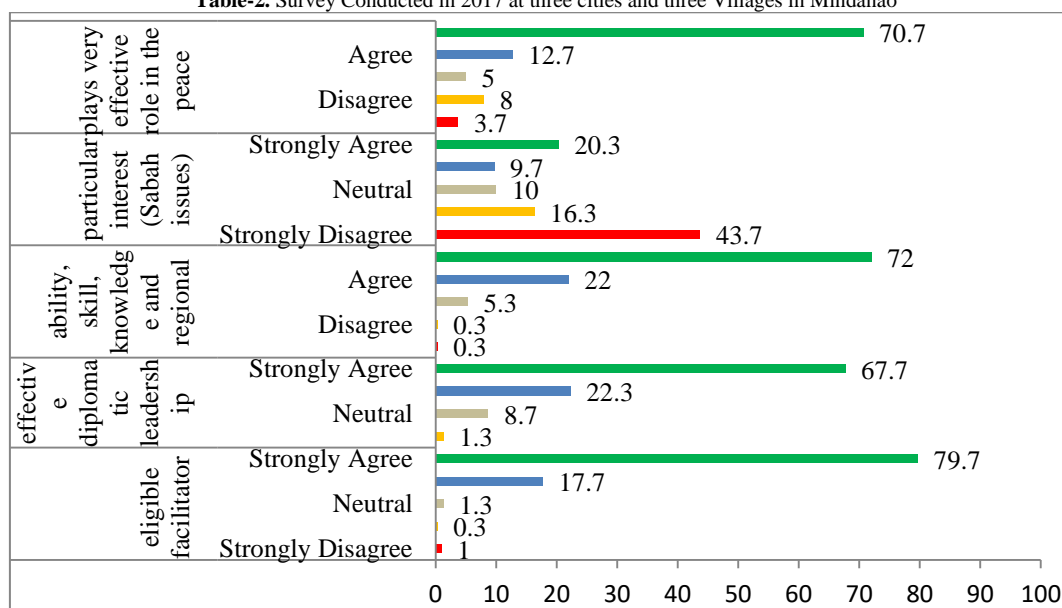
Recognizing the role that interested countries and International Non-Governmental Organizations (INGOs) can play in supporting the success of the GRP-MILF peace process, the GPH, the MILF and Malaysia as mediators, established institutional structures such as an International Contact Group (ICG), International Monitoring Team (IMT) and others that aimed to provide a more inclusive peace mechanism.

In this regard, it is claimed that:

In Mindanao, diplomats and INGOs developed a strong sense of partnership, providing complementary expertise. For example, Japan focused on funding infrastructure projects, whilst the United Kingdom (UK) shared lessons from the Northern Ireland peace process. Conciliation Resources provided an analysis of draft documents from the peace panels and discussion papers on transition, normalization and devolution of policing. TAF focused on strengthening governance. The Centre for Humanitarian Dialogue (HD) brought in high profile ‘eminent persons’ to input on topics such as power and wealth sharing. Muhammadiyah brought its experience of providing health and education services in Indonesia (Democratic Progress Institute, 2014).

Perhaps, Malaysia believed that this process can be a useful way of broadening inclusivity and gaining buy-in from the wider population, which consequently gained praise from the people of the region, especially the Bangsamoro community. This can be seen in the 2017 survey conducted in six mainly Bangsamoro villages in the Southern Philippines. The survey showed that 70.7 percent of the surveyed respondent’s strongly agreed that Malaysia played a very effective role in the GPH-MILF peace process [refer to table 2].

Table-2. Survey Conducted in 2017 at three cities and three Villages in Mindanao

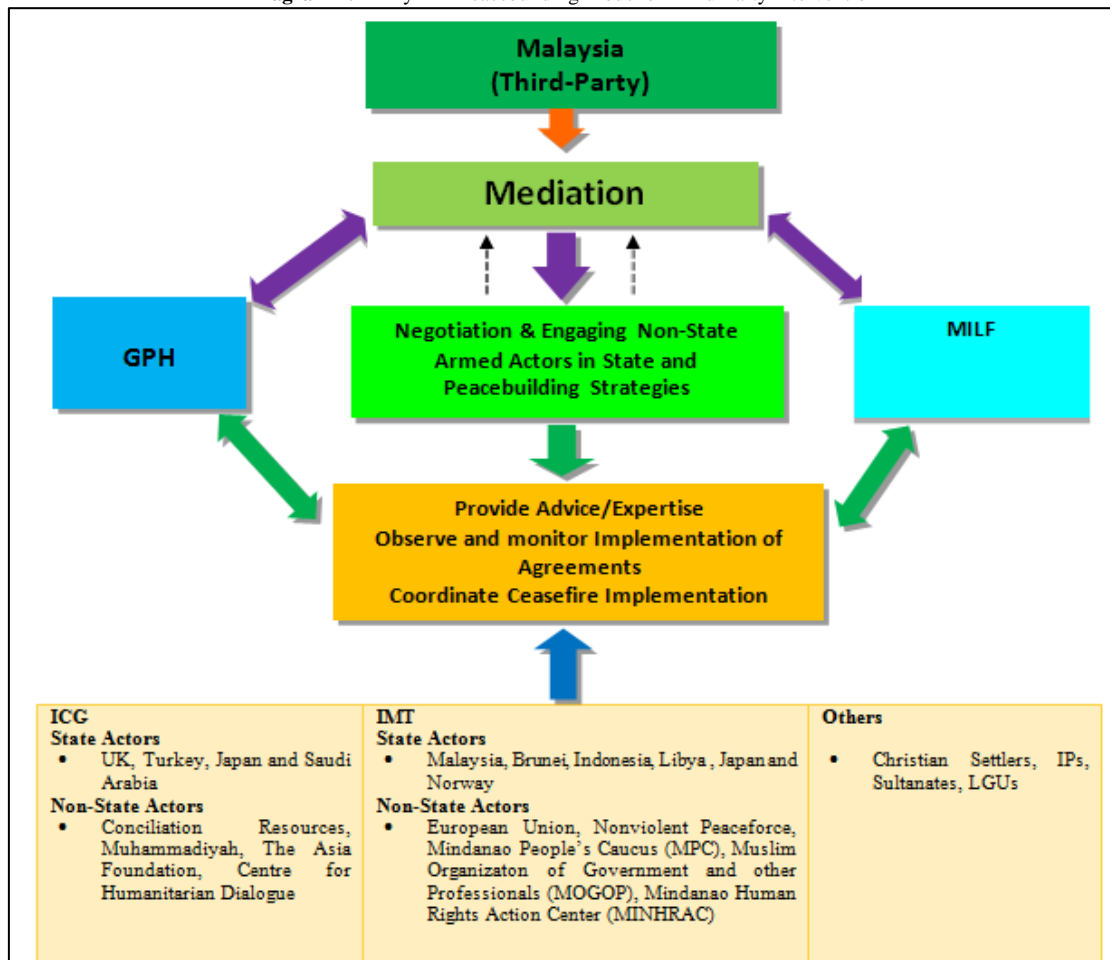


Source: Survey Conducted in 2017 at three cities and three Villages in Mindanao, under research project titled “Towards a Pre-and Post- Model of Third Party Intervention in Peace building Process: The Role of Malaysia in Bangsamoro Conflict” funded by Fundamental Research Grand Scheme

The aim was to ensure wider acceptability, sustainability and success of the peace process. By doing so, it required more inclusive and wider engagement of those stakeholders of the GPH-MILF peace process. In this juncture, MILF Roving Ambassador (Salman, 2017) argued that for the GPH-MILF peace process to succeed in those difficult processes, everybody should be on board so as they would feel ownership of any outcome of it. It seemed Malaysia learned lesson from the failure of the OIC led GRP-MILF peace process in the region. If we look back briefly at multi-track diplomacy as what OIC applied to the GRP-MNLF peace process, the elites had the monopoly of decision-making process with respect to negotiations. In most cases, these elites consist of prominent leaders who had leverage in the negotiation process. However, triangular relationships among GPH, MILF and Malaysia, GPH and MILF-plus other stakeholders was creatively designed to make it more inclusive as much as possible so as to ensure wider acceptability and success of the GPH-MILF peace process.

In contrast to Malaysia, OIC’s peacebuilding model of third party intervention was characterized by many as an elitist and therefore exclusive [refer to diagram 1]. OIC leadership was preoccupied of reaching an agreement between the MNLF and the GRP without much taking input from other stakeholders such as Local Government Units (LGUs), traditional leaders, Indigenous Peoples (IPs), civil societies and other revolutionary groups such as MILF, Abu Sayyaf Group (ASG). Most, if not all of them, were not on-board of the GRP-MNLF peace process. These stakeholders were not consulted about their concerns on the GRP-MNLF peace process. As a result, many of them rejected both the 1976 Tripoli Agreement and the 1996 Jakarta Final Peace Accord (Shamsuddin and Taya, 2009). Thus, failure to consult these stakeholders led to the failure of the GRP-MNLF peace process. So, in order not to repeat history, Malaysia and other teams of mediation form, particularly paid attention in bringing all communities at the grassroots level irrespective of their political affiliations were widely consulted to the activities of the GPH-MILF peace process so as to make the process more inclusive as pointed out earlier.

Diagram-2. Malaysia’s Peacebuilding Model of Third-Party Intervention



Source: Survey Conducted in 2017 at three cities and three Villages in Mindanao, under research project titled “Towards a Pre-and Post- Model of Third Party Intervention in Peace building Process: The Role of Malaysia in Bangsamoro Conflict” funded by Fundamental Research Grand Scheme

Perhaps, one thing that needs to be recognized as far as the involvement of the civil societies is concerned, is the increasingly active participation of women in the GPH-MILF peace process. This was revealed by Rood when he noted that:

Civil society has over the years become increasingly engaged in the formal peace process, with a good example being the chair of the Mindanao Caucus of Development NGOs (MinCODE), Sylvia Paraguya, serving on the government’s negotiating panel and Teresita “Ging” Deles serving as Presidential Assistant on the Peace Process (Steven and Rood, 2013).

This was quite interesting, whereas in the past women were always in the back seat of the peace process, if not even totally left out. However, the current GPH-MILF peace process has encouraged a wider participation of civil societies-including women's group. This appears as a new phenomenon and has generated much debate and interests in the Philippine political discourse. No doubt that those women have been active even before, but the recognition of their (women) crucial roles in the peacebuilding and the seriousness of the disputing parties to get women on board was quite interesting. In this regard, they argued that:

The Philippines are probably the only country in the world that is taking this more seriously, and also actively demonstrating the value of including the perspectives of both men and women in the peace process. Women play a leading role at all levels: in politics, in the negotiations, in business, in the media, in civil society. There is still more that can be done. But this activity is already making a major difference (Kristian and Emma, 2012).

5. Conclusion

In the light of the above analysis, the study observed empirically of how Malaysia and OIC differed on their peacebuilding models of third party mediation to the Bangsamoro conflicts. In this regard, the paper found that Malaysia's *muafakat* and *musyawarah* model of third party involvement to the Bangsamoro conflicts was more successful than OIC's confrontational approach. The article also found that Malaysia's model was more inclusive than that of the OIC. In fact, there is nothing that resembles the inclusivity of the GPH-MILF peace process that characterized the exclusivity of the GRP-MNLF peace process. So, this study sheds light on why Malaysia's mediated GPH-MILF peace agreements were successful, while the OIC's mediated GRP-MNLF peace agreements failed to address the Bangsamoro conflicts.

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