



An Honest Peace Broker? Malaysia as a Third Country Facilitator of Peace Building Process in the Southern Philippines

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Abstract

Since its involvement as the third country facilitator of peace building process in Southern Philippines in 2001, Malaysia has often been criticized on the grounds of sympathizing the Moro Islamic Liberation Front, stake of national interest concerning the Sabah issues and inefficient conduct of facilitator. This suggests the controversial role of Malaysia as a third country facilitator of peace building process in the form of biased peace facilitator. The paper, therefore, aims to examine whether Malaysia is an honest peace broker when facilitating the peace process building in Southern Philippines by examining its exercise of impartiality and equidistance. It further argues that two integral factors of foreign policy contribute to the honest role of Malaysia as a peace broker in Southern Philippines; peaceful co-existence and non-interference. The findings show that Malaysia is an honest broker by exercising impartiality and equidistance when facilitating the peace building process in the Southern Philippines.

Keywords: Peace Building; Foreign Policy of Malaysia; Southern Philippines; Global Politics; Border Security

1. Introduction

The untimely death of Tengku Datuk Abdul Ghafar Tengku Mohamed in September 2016 has resulted to a vacant post of peace facilitator in Southern Philippines. Malaysia had difficulties to find his successor. In October 2016, Malaysia nominated Tan Sri Zakaria Abdul Hamid as the new peace facilitator (1). However, the nomination was not well received; consequently, Malaysia was requested to nominate another candidate for the peace facilitator post (2). Finally, a statement released in March 2017 revealed the Malaysian new peace facilitator in Southern Philippines, Dato' Kamarudin Mustafa. This roller coaster scenario has shown that a third country peace facilitator should be accepted by the involved parties. The mutual acceptance by both the government of Philippines and Moro Islamic Liberalization Front suggests the importance of having an honest peace broker to facilitate the peace building process in Southern Philippines.

The issue of third country as an honest peace broker has received considerable critical attention. According to Gent (3), "states are most likely to intervene when they have the greatest impact on the outcome of a civil conflict". This suggests that a third country facilitator could be biased given its strategic national interest in the conflict resolution. In particular, the paper questions: *Could a biased third country peace facilitator be an honest peace broker?*

The paper argues that being biased does not imply that a biased peace facilitator could not be an honest peace broker. A biased peace facilitator could be an honest peace broker. This is what the paper seeks to examine further in the context of Malaysia as the third country peace facilitator in Southern Philippines. It further argues that a biased peace facilitator could be an honest peace broker should the third country peace facilitator exercise impartiality and equidistance. As argued by Pfetsch (4), the aspects of

impartiality and equidistance enable the third country to be a successful mediator in conflict resolution. Similarly, Austin et al. (5) also highlights the importance of being impartial as to mediate effectively. Thus, the two integral factors that contribute to the honest role of third country peace facilitator are impartiality and equidistance.

Rather than examining the mediation of third country peace facilitator, the paper analyses the perspective of the third country who is involved in peace brokering. It places emphasis on the country's foreign policy. In particular, it examines whether the biased third country is an honest broker based on the elements of impartiality and equidistance as shown in its foreign policy when facilitating the peace building process.

In addition, most studies on third country involvement in conflict resolution notably the peace broker have predominantly examined the major powers, often the developed countries, such as the United States and the European Union. Little has been done to examine the developing countries as the third country peace broker. The paper, therefore, aims to examine Malaysia as the peace broker from the developing countries. It also seeks to develop a better understanding of Malaysia as a third country facilitator of peace building process in Southern Philippines. The following section provides the debate concerning the non-interference principle which is upheld by the ASEAN member states with an aim to highlight the difficulty of ASEAN member to meddle in the border conflict. Then, it reviews Malaysia as the peace broker in Southeast Asia and followed with a discussion on the critical issue of third country as a honest peace broker in conflict resolution.

2. Peace Brokering in Southeast Asia: to Intervene or Not to Intervene?

Peace brokering in Southeast Asia is very small in number. It is the principle of non-interference which is upheld by the member

states of the Association of Southeast Asia (ASEAN) including Malaysia and the Philippines, that limits the number of peace mediation brokered by countries located in Southeast Asia. The context of non-interference principle is similar to the doctrine of non-intervention in the realm of international law (6); there ought to be no intervention in the domestic affairs. Moreover, Acharya (2001: 58) points out the operational terms of non-interference principle exercised by ASEAN include "denying recognition, sanctuary, or other forms of support to any rebel group seeking to destabilise or overthrow the government of a neighbouring state" and "providing political support and material assistance to member states in their campaign against subversive and destabilising activities". The operational terms defined by Acharya (7) denote that ASEAN member should not intervene in other's domestic affairs neither by supporting the separatist movement nor criticising actions taken by the government against the separatist group(s).

Furthermore, ASEAN members have maintained strong upheld of non-interference principle when it comes to the circumstances involving the separatist movement. This is exemplified in the case of East Timor in which ASEAN members refused to intervene in the East Timor conflict by considering the conflict as a local problem of Indonesia (8). The position of ASEAN later changed when Indonesia agreed to accept the United Nation (UN) peacekeeping forces in East Timor (BBC News 1999). In particular, some ASEAN members namely Malaysia, Singapore, Thailand and the Philippines joined the aforementioned UN mission whose responsibility to restore and maintain stability in East Timor during its transitional period for independence (BBC News 1999). Similarly, ASEAN kept silent on another local conflict in Indonesia, Aceh, on the ground of non-interference and its position changed after the Indonesian government cemented a peace deal with the Free Aceh Movement in August 2005 with the involvement of five ASEAN members in the European Union (EU)-led Aceh Monitoring Mission (EU Council Secretariat 2006). The very same silent position of ASEAN can be found in its response towards other conflicts involving separatist movements in Southeast Asia, the Southern Thailand conflict and the Southern Philippines conflict. Drawn from this basis, ASEAN may intervene in the domestic affairs of its member with the consent of local government. Similar observation was highlighted by (8) when ASEAN intervened in local affairs by favouring the ruling government. The very same exception of non-interference principle is applicable to the main focus of this paper; Malaysia who attains the consent from respective governments of Thailand and the Philippines to broker the peace in the Southern Thai and Southern Philippines/Mindanao conflicts. It is the aim of this paper to further examine Malaysia as a peace broker by facilitating the peace building process in the Southern Philippines. The following section will provide an overview of Malaysia's peace mission in Southern Philippines.

3. The Peace Mission of Malaysia in the Southern Philippines

Malaysia's peace mission in the Southern Philippines comprises of two aspects; peacekeeping and peace mediation. The peacekeeping mission is conducted within the framework of International Monitoring Team, "under the provision of Chapter 8 of the UN Charter which allowed peace settlement to be managed under a regional management and upon the invitation of the host government" (9). The Terms of Reference of the International Monitoring Team (2011) stipulates that:

The objective of International Monitoring Team is to monitor the implementation of the Agreement on Peace between the Government of Philippines and MILF of 22 June 2001 and its Implementing Guidelines on the Security Aspect of 7 August 2001 and Implementing Guidelines on the Humanitarian, Rehabilitation and Development Aspects of 7 May 2002 (Tripoli Agreement) and Agreement on the Civilian Protection Component (CPC) of the International Monitoring Team of 27 October 2009.

The very same Terms of Reference of the International Monitoring Team (2011) also specifies that members of third country joining the International Monitoring Team should be accepted by both Moro Islamic Liberation Front and the government of Philippines. Since its deployment, Malaysia has led the peacekeeping mission and other participating countries are Libya, Brunei, Norway, the European Union and Japan (Conciliation Resources 2017). As argued by Franco (10), the controversial mission of Malaysia is not situated in the peacekeeping aspect; that is, the leader of International Monitoring Team. Rather, the 'biased' Malaysia as the third country peace facilitator of peace building process in Mindanao. This is where the paper attempts to examine further.

Malaysia may not be the best choice to be the third country facilitator of peace building process in Southern Philippines because of its tendency to be a biased peace facilitator. One contributing factor is the allegation of Malaysia supporting the Moros, whom Taya (11) defined as "Islamised Malays of the Southern Philippines", due to their common ethnicity as the Malays and shared religious belief in Islam (Jalil 2008). Secondly, the Philippines' on-and-off claim on Sabah ((12) might affect the neutrality of Malaysia as a peace facilitator. Drawn from this basis, the capability of Malaysia as a neutral peace facilitator may be hampered by its bias towards the Moros and national interest in regard to the Sabah claim. It is the context of bias, as argued by (13), which is driven from the afore-mentioned factors that resulted to the notion of Malaysia as a biased peace facilitator.

Nevertheless, the government of Philippines under the leadership of Gloria Arroyo Macapagal sought for the assistance from Malaysia in brokering the peace in Mindanao in 2000 (14). The very same request has been echoed by her successors, President Benigno Aquino III (2010 to 2016) and President Rodrigo Duterte (2016-present). It is the invitation from the government of Philippines since 2001 that enables Malaysia to be a third country peace facilitator in Mindanao.

Some literature denotes the critical role played by Malaysia as third country peace facilitator in the Southern Philippines (10, 13, 15). However, their arguments diverge when it comes to the question of Malaysia's contribution to the peace building process; positive contribution (10, 13) and sceptic perception .

In the examination of the mediation efforts of biased mediators such as Libya and Malaysia in Southern Philippines, (15) argues that "the historical and cultural bias of Malaysia for the benefit of the Muslim population is balanced by Malaysia's political bias for the benefits of the Philippines government linked with its interest to adhere to international norms on national sovereignty and territorial integrity". In this respect, Malaysia places priority on the international norms, when facilitating the peace building in the Southern Philippines. In addition, (15) also questions about other political leverage of Malaysia when mediating in Southern Philippines apart from leading the International Monitoring Team. Drawn from this basis, this paper seeks to examine the capability of Malaysia as a honest peace broker in Southern Philippines in regard to its approach dealing with the political leverage as a mediator.

Meanwhile, Franco (10) analysed the contribution of Malaysia within the framework of International Monitoring Team. Franco (10) argues that "the success of the [International Monitoring Team] at the local level 'subsidized' the soft negotiation approach with enough 'hardness' to effect material (i.e. security improvements) in communities". Franco's argument concurs with the argument of Svensson and Lundgren (13) which also highlights the role of International Monitoring Team led by Malaysia in supplying the security assurance to the local community in Mindanao. Yet, both Franco (10) and Svensson and Lundgren (13) undermine the needs to examine the policy approach that Malaysia utilized when brokering peace in Mindanao. The paper seeks to fill the gap by analyzing the policy that Malaysia utilized when brokering peace in Mindanao.

The sceptic perception of Malaysia's contribution in Southern Philippine is largely derived from the pro-longed duration of ne-

gotiating process for peace as argued by Franco (10) since the mediation has taken place since 2001. Furthermore, the mediation process was disrupted with 2003 event of the government attacking Moro Islamic Liberation Front and 2008 fighting (16). What's more, the conflict in Mindanao is also related with the ethnic tension. Hereby, Hernandez (2014:140) questions on "how Malaysian mediation will be able to address the deep-rooted bias in the society at large towards Muslim groups and other minorities". Rather than examining the Malaysia approach in addressing the ethnic-related conflict in Southern Philippines, the papers seeks to examine the extent of Malaysia as an honest peace broker.

Similarly, Thalang (16) also questions the extent of Malaysia as an 'honest' broker. However, Thalang (16) does not specify areas of mediation in Philippines that resulted to the doubt on Malaysia as a honest peace broker. Neither does she define the term of 'an honest broker' in her study. Taking this cue, the paper aims to investigate Malaysia as an honest peace broker when facilitating the peace building process in Southern Philippines.

Rather than examining the contribution of Malaysia as the third country facilitator in Mindanao, the paper seeks to examine whether Malaysia as the biased third country could be an honest peace broker based on the elements of impartiality and equidistance. On the same note, it places emphasis on the policy approach that Malaysia utilized when facilitating the peace building process. That is, the prosper-thy-neighbour policy. Data gathered for this paper was sourced from interviews, survey, speeches, and newspaper/ media release.

4. Malaysia as the Third Country Facilitator of Peace Building Process in Southern Philippines

The fundamental policy that constructs the role of Malaysia as the third country facilitator of peace building process in Southern Philippines is the policy of prosper-thy-neighbour. This particular policy was introduced by Tun Dr. Mahathir, the former prime minister of Malaysia, in the 1990s on the basis of a liberal argument, "a neighbor which is prosperous is a peaceful and friendly neighbour" (17). He further elaborated that "if you help your neighbour to prosper, you will prosper along with it" (18). In another word, "everyone gains from 'prosper-thy-neighbour' policies, while only one side gains from 'beggar-thy-neighbour' mindsets" (17)). Meanwhile, Mahathir and Irwan (19) highlights that the prosper-thy-neighbour policies indicate the willingness and commitment of Malaysia to assist its neighbours.

The prosper-thy-neighbour policy is often exercised in the realm of global economic order in which Malaysia supports "a multilateral rule-based global trading system which would promote and safeguards the interests of all countries, whether developed or developing, in a fair and equitable manner" (Formulation of Foreign Policy 2017). The very same policy also enables Malaysia to assist ASEAN's new members; Cambodia, Myanmar, Laos and Vietnam through the Initiative for ASEAN integration in terms of narrowing the development gaps between the incumbent and new members of ASEAN (20). Similarly, Othman et al. (21) examined Malaysia's policy of prosper-thy-neighbour in regard to the involvement of Malaysia in peace process in Southern Philippines. They argue that rationale of adopting prosper-thy-neighbour policy is meant to create common security along the borders between Malaysia and the Philippines as well as to curb the negative spillover effects of Southern Philippines to Malaysia, notably Sabah, the closest state of Malaysia to the Philippines (21).

Likewise, the paper also examines the prosper-thy-neighbour policy that Malaysia adopted when facilitating the peace building process in Southern Philippines. Its discussion covers from 2001, when the Government of the Philippines officially sought for the Malaysia's assistance to be the third country facilitator in the Southern Philippines, to March 2017, when Malaysian new peace

facilitator in Southern Philippines was announced to the public. This differs from the study of (21) which examine the involvement of Malaysia from 1990s to 2014. Also, the focus of this paper is to ascertain the honest role of Malaysia as the third country facilitator of peace building process in Southern Philippines. The paper also analyses two attributions of Malaysia's foreign policy namely peaceful co-existence and non-interference which embedded in its prosper-thy-neighbour policy when examining the three integral factors that undermine whether Malaysia is an honest broker when facilitating the peace building process in Southern Philippines; impartiality and equidistance

4.1. Impartiality

In this paper, impartiality is defined as neutral by not being siding to any involved parties during the peace building process. Putting this definition into the context of the paper, the paper questions whether Malaysia exercises impartiality when facilitating the peace building process in the Southern Philippines. It examines impartiality in the forms of Malaysia as the third country facilitator and the Malaysian facilitator of peace building process.

Malaysia has shown continuous commitment to the sustainable peace in the Southern Philippines. It is the goodwill of Malaysia that shapes its impartial conduct as the third country facilitator of peace building process in Southern Philippines. Even though Malaysia has often been alleged to siding towards the Moros including the Moro Islamic Liberation Front, Malaysia has remained impartial throughout the peace building process due to its country's institutional commitment to both involved parties, the government of Philippines vis-à-vis ASEAN and the Moro Islamic Liberation Front vis-à-vis the Organization of Islamic Cooperation. The Malaysia's membership of ASEAN and the Organization of Islamic Cooperation respectively enables it to be mutually accepted by both the government of Philippines and the Organization of Islamic Cooperation. The mutual acceptance by both involved parties denotes the impartial conduct of Malaysia as a third country facilitator.

However, the issue of impartiality emerges when it comes to the matter of Malaysian facilitator. Malaysia had difficulties in nominating/appointing the 'right' representative as the Malaysian facilitator. Impartiality becomes an issue when the Malaysian facilitator does not facilitate the peace process in an impartial manner. Precisely, the Malaysian facilitator is alleged to show his preference to one involved party. This was exemplified in the case of Datuk Othman Abdul Razak, the first Malaysian facilitator. Throughout his tenure as the Malaysian facilitator, Datuk Othman Abdul Razak was not considered by the Government of Philippines as "neutral player" (22). A leaked secret classified cable of the United States also dictated "the Malaysian facilitator had been showing clear bias in favor of the [Moro Islamic Liberation Front] in the peace talks" (Malig (23) referring Datuk Othman Abdul Razak as the aforementioned facilitator. However, the Moro Islamic Liberation Front denied of alleged biased conduct of Datuk Othman Abdul Razak as Malaysian facilitator (24). Consequently, the talks were delayed due to the brewed mistrust between the involved parties. The peace talks later resumed after Malaysia revealed the appointment of new Malaysian facilitator, Tengku Datuk Abdul Ghafar Tengku Mohamed in April 2011.

The very same mistrust issue was experienced by Tengku Datuk Abdul Ghafar Tengku Mohamed in the early year of his tenure as the Malaysian facilitator. By placing priority on trust and confidence building, Tengku Datuk Abdul Ghafar Tengku Mohamed gradually garnered the trust from both involved parties; government of Philippines and the Moro Islamic Liberation Front (14)). Drawn from this basis, the Malaysian facilitator vis-à-vis Tengku Datuk Abdul Ghafar Tengku Mohamed has conducted impartiality when he facilitated the peace building process in Southern Philippines.

The issue of impartiality is also illustrated in the case of appointing the successor of Tengku Datuk Abdul Ghafar Tengku Mo-

hamed, which was discussed in the early part of this paper. It has demonstrated that the Malaysian new peace facilitator should be accepted by both involved parties; the government of Philippines and the Moro Islamic Liberation Front as to ensure the smooth process of peace building in the Southern Philippines.

In terms of impartiality, Malaysia has exercised impartiality in its conduct as peace facilitator in the forms of the third country facilitator and the Malaysian facilitator of peace building process. It is the latter one that tests the honesty of Malaysia as a peace broker. Svensson and Lundgren (13) argues: "the issue of impartiality came up on a personal level, as it was the mediator, and not the country per se, that was accused bias". Pursuant to its attribution of foreign policy in the form of peaceful co-existence, the government of Malaysia replaced/ appointed new Malaysian facilitator who could be mutually accepted by both the government of Philippines and the Moro Islamic Liberation Front as shown in the cases of Datuk Othman Abdul Razak and Tan Sri Zakaria Abdul Hamid respectively. By upholding the principle of peaceful co-existence in amidst of alleged bias, Malaysia is capable to be an honest broker by appointing Malaysian facilitator who could facilitate the peace building process in an impartial manner.

4.2. Equidistance

In this paper, equidistance is defined as neutral by not being closer to any involved parties during the peace building process. "Equidistance by a third party consists of equal engagement with each of the parties; otherwise it will not be accepted" (4). Putting this definition into the context of the paper, the paper questions whether Malaysia exercises equidistance when facilitating the peace building process in the Southern Philippines. It examines equidistance in the forms of Malaysia as the third country facilitator and the Malaysian facilitator of peace building process

In principle, Malaysia, in terms of country basis, is merely a third country facilitator in peace building process in Southern Philippines. This is confirmed by Tengku Datuk Abdul Ghafar Tengku Mohamed as the second Malaysian facilitator: Malaysia is an outsider who facilitates the peace process in Southern Philippines (25). Its utmost responsibility as the third country facilitator is to convince both the government of Philippines and the Moro Islamic Liberation Front to pursue sustainable peace by facilitating the peace building process (14, 25). This resulted to Malaysia engage with both involved parties not as conflicted groups; rather, partners of peace (17). Thus, the conduct of Malaysia a third country facilitator in peace building process in Southern Philippines is equidistance since Malaysia recognizes both the government of Philippines and the Moro Islamic Liberation as crucial actors peace building process in Southern Philippines by treating them as partners. Such equidistant conduct of Malaysia as the third country facilitator also denotes its honest role of peace broker.

Similarly, the Malaysian facilitator also exercises equidistance by adopting its attribution of foreign policy in the form of non-interference when facilitating the of peace building process in Southern Philippines. The Malaysia facilitator places priority on facilitating, not intervening in the peace process and/or implementing the peace process. This is exemplified by the conduct of Tengku Datuk Abdul Ghafar Tengku Mohamed who "never issued ultimatums" (26). He elaborated (26):

The government and the MILF had their own positions and I had mine. Nobody can say 'You do this, you do that'.

In addition, equidistance is also demonstrated when the Malaysian facilitator refused to reveal details of on-going negotiations to the public including the media. For instance, Tengku Datuk Abdul Ghafar Tengku Mohamed admitted that he did not discuss the on-going negotiation in the public (26). He further asserted (26):

You cannot disturb the feelings of the two sides. It is not right for the facilitator to talk during on-going discussions.

This equidistant conduct is important as to retain the secrecy substance discussed in the peace discussion notably on sensitive areas

which may result into strained relationships between the involved parties as well Malaysia itself as the third country facilitator.

Moreover, the Malaysian facilitator worked on what have been agreed by the government of Philippines and the Moro Islamic Liberation Front (14). Being an outsider, the Malaysian facilitator could not make decision; rather, facilitated the peace process. As stated by Tengku Datuk Abdul Ghafar Tengku Mohamed in an interview (26) :

What we did was, we agreed on the principles and they would discuss them in detail. When I move the principles in, I don't get involved in the discussions. I opened the way for them to discuss. I also had to make them feel at ease.

This also implies that the Malaysian facilitator did not intervene in the peace discussions. However, there are times when the Malaysian facilitator participated in the peace discussions so long as its presence is needed and/or approved by both the government of Philippines and the Moro Islamic Liberation Front (14). In some circumstances notably when peace discussions were not progressed in the smooth manner, respective involved party consulted the Malaysian facilitator; who later assisted by facilitating ideas for the peace discussion (14). These two examples demonstrate the equidistant conduct of Malaysian facilitator during the peace discussions. Drawn from this basis, Malaysia is an honest peace broker in regard to the equidistant conduct of the Malaysian facilitator of peace building process.

The capability of Malaysia as a peace broker when facilitating the peace building process in Mindanao/ Southern Philippines is recognized by the residents of Bangsamoro Homeland, the conflicted areas that resulted to the strained relationship between the government of the Philippines and Moros. This is demonstrated in the result of our perception survey in which 300 respondents residing in Bangsamoro Homeland participated. In particular, majority of residents in Bangsamoro Homeland (70.7%) strongly agreed and 12.7% agreed that Malaysia has played effective role in the peace building process; whereas only 3.7% strongly disagreed and 8% disagreed. The remaining 5% remained neutral. This suggests that Malaysia has contributed significantly to the development of regional security in Southeast Asia with reference to the peace building process in Mindanao/ Southern Philippines.

5. Conclusion

In conclusion, the paper has demonstrated that Malaysia is an honest peace broker due to its impartial and equidistance conducts in the forms of Malaysia as the third country facilitator and the Malaysian facilitator of peace building process. It also shows how the two attribution of Malaysia's foreign policy (peaceful co-existence and non-interference) shapes its policy of prosper-thy-neighbour when facilitating the peace building process in Southern Philippines. Such findings shed a new light of Malaysia as a third country facilitator of peace building process in Southern Philippines whom often perceived as biased.

However, its contribution in the peace building process is limited to the role of third country peace facilitator. The success of peace building process should be driven by the wills and commitment of involved local actors; the government of the Philippines and the Moro Islamic Liberation Front; whereas the contribution of third country including Malaysia is limited to an external benefactor in the form of third country facilitator. As discussed in the paper, Malaysia could not negotiate on behalf of the involved parties; be it the government of Philippines or the Moro Islamic Liberation Front. Instead, Malaysia could assist both the government of Philippines and the Moro Islamic Liberation Front by facilitating the peace building process in the Philippines. Malaysia also aspires for sustainable peace and stability in the Southern Philippines. This leads the determination of Malaysia to help its neighbouring country to end the long conflict between the government of Philippines and the Moro Islamic Liberation Front vis-à-vis the policy of prosper-thy-neighbour.

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