

## Mindanao Framework Peace Agreement

**T**his forum on the Mindanao Framework Peace Agreement was held on 23 November 2012. Chaired by **Tan Sri Ahmad Fuzi Hj Abdul Razak**, Secretary General of the World Islamic Economic Forum Foundation, the forum drew on the first-hand experiences of **Tengku Dato' Ab Ghafar bin Tengku Mohamed**, previously director general of the National Security Division, Prime Minister's Department, and the Secretary of the National Security Council, who had served as facilitator of the peace process. **Prof Dr Kamarulzaman Askandar**, coordinator, Research and Education for Peace (REP), Universiti Sains Malaysia (USM) also provided commentary on the topic. **Tan Sri Dato' Seri Mohamed Jawhar Hassan** made the welcoming remarks. **Elina Noor**, ISIS Deputy Director of Foreign Policy Studies, reports.



Panelists (from left): Ahmad Fuzi Hj Abdul Razak, Ab Ghafar bin Tengku Mohamed, Mohamed Jawhar Hassan and Kamarulzaman Askandar

For decades, the Muslim Moro peoples have locked horns with the Philippine government for greater autonomy over the governance of Mindanao. Over the last forty years, this struggle has deteriorated into a bloody and costly armed conflict. The recently concluded framework peace agreement between the Philippines government and the Moro Islamic Liberation Front (MILF) presents the best chance for peace to take root in southern Philippines. The creation of the Bangsamoro homeland is a step in the right direction but the situation as regards peace and stability is still fragile and much work remains to be done.

The Forum on the Mindanao Framework discussed the Malaysian-facilitated framework peace settlement between the MILF and the Philippines government, with a forward-looking focus on how the framework will be implemented, as well as the possible challenges ahead.

**Tan Sri Fuzi** introduced the discussion by noting that although the recent framework agreement, signed between the MILF and the government of the Philippines, brings to a close 15 years of negotiation, it is not the final step in the peace process. Rather, it represents the beginning of a long journey of partnership between the parties to the agreement, as well as between the Muslim and Christian populations in the Philippines at large. Whether there can be optimism about the agreement's successful implementation, and how resilient the Agreement will prove to be over time, will depend on the parties involved.

Providing the context to the signing of the agreement, **Tengku Dato' Ab Ghafar** explained that the parameters of the negotiations proceeded on the basis of full autonomy, as the MILF was disinclined to integration, and as independence was out of the question. The MILF

expressed a desire to form a government over an area the Bangsamoro could call their own, and to have a relationship with the central government that is different from the existing one. Essentially, it called for the devolution of powers from the central government. Based on the Decision Points of Principles of April 2012, the framework agreement was eventually completed on 8 October 2012 and signed by the parties a week later, on 15 October 2012.

One of the main strengths of the agreement is its inclusivity. After it was signed by the MILF and the government of the Philippines, it was submitted to the public for feedback for seven days. Tengku Dato' Ab Ghafar underscored that the agreement was reached not only because there was political will to invest in peace, as pledged by Filipino president Benigno Aquino, but also because the process engaged stakeholders comprehensively, so that no one with an interest in it was left out. The government of the Philippines engaged in 160 consultations with diverse parties, including the church, indigenous citizens, and the international community. The MILF, for its part, touted the framework agreement as one which was drawn up not just for itself but for the Bangsamoro at large.

The agreement means that for the first time, there is official recognition of the identity and grievances of the Bangsamoro, as well as of the failure of the Autonomous Region of Muslim Mindanao (ARMM).

Moving forward, the agreement faces several challenges. For the government of the Philippines, this investment in peace must be seen to reap dividends, and to do so quickly.

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Implementation of the agreement has to be done within four years: that is to say, within President Aquino's term, for without the government's commitment and political will to see it through, the agreement is likely to falter. It is unlikely that the process initiated by the agreement will transition to the next presidency. The government of the Philippines is presently working on the signing of an Executive Order that will put the terms of the agreement into effect. This must be followed by a joint resolution of the Philippines' Congress.

The MILF will lead the formation of a Transition Commission which will be tasked with proposing constitutional change, writing the basic laws of the Bangsamoro homeland as prescribed by the agreement, and spearheading development of the area. Of great weight will be the Transition Commission's decision on the kind of laws that will govern the Bangsamoro homeland and provide it with a blueprint for the future. Will it adopt Islamic laws wholesale, or will it limit the application of Islamic laws only to certain aspects of governance? If it chooses the former, how will it contextualise those laws?

Importantly, will stakeholders even recognize the authority of the Transition Commission?

The MILF, as party to the agreement, must also manage tensions that exist among the Muslims in Mindanao. Many of the 20 or so tribes remain very territorial, and islanders and mainlanders do not always see eye-to-eye on a number of issues. Some of them, such as those in Sulu, Tawi-Tawi, Tausug and Basilan, have long questioned the rationale of identifying themselves as Moro rather than as Muslims.

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Additionally, there is uncertainty surrounding the Mindanao National Liberation Front (MNLF)'s involvement in the process, since it has indicated to the government of the Philippines its unwillingness to include the MILF in its parallel peace process. This and other differences between the MNLF and the MILF may well prove to be contentious in the future.

The MILF must also manage expectations as it steers the peace agreement through its course. Many MILF combatants — particularly those who have been fighting for the cause for 40 years — expect immediate peace dividends from the agreement. Anything less may be seen as capitulation. On the other hand, there are vested interests among 'mainstream Muslims' who would prefer to see the status quo system of perks and patronage prevail. Separately, the MILF will also have to deal with the sensitive issue of land entitlement involving Christian settlers in the area.

The Transition Commission must also determine the future role of the armed forces of the Philippines in the area. Will there be a full withdrawal by forces from both sides in the conflict areas? If so, how will this be done? The MILF's condition has been that disarmament should take place simultaneously. Tengku Dato' Ab Ghafar remarked however that rather than the usual phrase of disarmament, demobilisation and reintegration (DDR), used in post-conflict situations, the preferred term for the process is 'normalization.'

Suggesting that the framework agreement might be a model for similar initiatives elsewhere,

**Prof Dr Kamarulzaman Askandar** attributed the agreement's success to a couple of different ways in which the peace process has been unique and innovative.

Firstly, it was facilitated by Malaysia, as a neighbouring country, despite existing contentions between the two countries. These include the Philippines' claim of Sabah and the number of Filipino refugees there since the Marcos emergency. There were also concerns in the Philippines that Malaysia might be too close to the MILF given the religious and ethnic identification amongst Malay Muslims. This concern was specifically raised in 2009, after the collapse of the Memorandum of Agreement on the Ancestral Domain. To allay suspicions, Malaysia had to prove its impartiality repeatedly but things took a dramatic turn for the better with the appointment of Tengku Dato' Ab Ghafar as facilitator.

The issue of facilitation and who is facilitator is vital, as is an efficient support team. Prof Dr Kamarulzaman Askandar had heard of initial considerable unhappiness and reluctance on the part of the Philippines to accept an earlier appointed facilitator from a Malaysian government intelligence agency. For facilitation or mediation to work, there must be trust and confidence amongst the parties involved, especially when neighbouring countries are involved. For a long time, this trust was insufficient at best, and absent at worst. It has undoubtedly been a lesson well learnt for

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Malaysia and indeed, for any other country seeking to play a mediating role in a peace-building process.

Secondly, when the process collapsed in 2008, recognition dawned that other parties should be involved. As such, observers and monitors were engaged to guarantee that the implementation of discussions and decisions would be done by both parties within the framework of the peace process. Civil society organisations, necessary in any peace-building process, proved significant in rallying for a foundation of peace in this case.

Prof Dr Kamarulzaman reiterated that one of the main challenges would be for peace dividends to manifest immediately following the framework agreement. Infrastructure such as roads would have to be built and water supply to be laid quickly. Failure to do so would allow war-mongers and peace spoilers to wield influence.

Intra-Bangsamoro cohesion will also prove a major challenge to the progress of the peace process. MNLF leader Nur Misuari is still around and rallying against the MILF. As extant warlords, politicians, and others with vested interests stand to lose power and influence as the groundwork is laid for a new Bangsamoro government in 2016, circumstances will be made even more challenging.

Tengku Dato' Ab Ghafar observed that the framework agreement married the interests of the

government of the Philippines and those of the MILF. With the Bangsamoro state constituting six of Mindanao's 23 provinces, peace within the former is vital for development in much of the latter.

Tengku Dato' Ab Ghafar ascribed the successful signing of the agreement to a confluence of several factors. These include:

- His meeting with the late MILF leader, Salamat Hashim, which reopened the peace process;
- The involvement of good negotiators in the preceding four agreements;
- The contribution of the Malaysian-led International Monitoring Team (IMT) for nine years; and
- The role of a contact group that provided ideas and facilitated consultations between non-government organisations and the government.

The agreement also coincided with a period during which the Philippines armed forces was undergoing a transition in focus from national security to defence.

Tengku Dato' Ab Ghafar clarified that the Tripoli Agreement of 1976 and the Jakarta Peace Accords of 1996 are still in existence. However, the government of the Philippines is currently engaging with the MNLF to bring these to a close once economic development has been achieved, according to the provisions of the agreements. Tengku Dato' Ab Ghafar pointed out that in

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*Question and answer session*

contrast to the 2012 framework agreement which has generally been accepted by the Bangsamoro at large, the 1976 and 1996 agreements which were made with the MNLF led to corruption, conflicts and the creation of warlords. This, in turn precipitated the entry into the fray of the armed forces of the Philippines.

To ensure the 2012 framework agreement is even better understood and more widely-received, the MILF is translating it into various local dialects for the different Bangsamoro sub-ethnicities. The role of the IMT will also be redesigned, probably with a decreased military component.

Consultations on implementing the framework agreement are on-going with the Philippines' Congress, with full support from the Senate and the House of Representatives. However, with the Philippines' general mid-term elections scheduled for May 2013, the extent and

continuation of this support in Congress is yet to be determined.

On a brighter note, the framework agreement marks the first time the peace process in the Philippines has received full support from the international community, including the United States and the Organization of the Islamic Conference (OIC). To a question on a possible role for the OIC in the peace process, Tengku Dato' Ab Ghafar noted that it was important for the OIC to understand the needs of the Bangsamoro. He underscored that the 1976 and 1996 agreements were signed with the MNLF, not the Bangsamoro. The unfortunate result of this was that Nur Misuari not only did not govern, but on the contrary, he enriched himself and the people close to him.

Prof Dr Kamarulzaman Askandar added that one of the key distinctions between the present agreement and past attempts is political

will and the commitment to see peace through. Pressure to implement the agreement must come from within. The solution to the Mindanao conflict lies not just in Mindanao but in other parts of the country — in Manila, the Philippines Congress, and elsewhere. Just as ceasefire monitoring plays a significant role in the reduction of conflict, so too does civil society, in socializing the issues to a mainstream audience.

Tengku Dato' Ab Ghafar underscored the value of a country having a national agenda to commit to peace rather than conflict. Without a consensus led at the top and shared by the base, nothing can happen. As a committed partner, Malaysia will continue to support the peace process in Mindanao until 2016, and to assist in providing training and capacity-building related to land reform and Islamic issues, among others.



*Participants at the forum*