



REFLECTION

BEYOND THE PEACE TABLE:
RELECTIONS ON
THE GPH-MILF PEACE PROCESS

BY TENGKU ABDUL GHAFAR

**BEYOND THE PEACE TABLES:
REFLECTIONS ON
THE GPH – MILF PEACE PROCESS**

This book is dedicated to the family of Dato' Tengku Abdul Ghafar, who miss him dearly and are immensely proud of the work he has done and the contribution he has made for the establishment of peace in the Philippines. May this be an inspiration for his grandchildren. May he be granted Jannah Al-Firdaus.

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'I would like to pay tribute to Dato'Tengku Abdul Ghafar, who sadly passed away last week, after playing a key role as the facilitator in the Bangsamoro Peace Process. Dato'Tengku Abdul Ghafar was an exemplary peacemaker and an inspiration to all working for peace in ASEAN and the UN.'

- Secretary General Ban Ki-Moon, 8th ASEAN-UN Summit
(7th September, 2016).



FOREWORD

My father passed away on a September morning at our family home at the age of 68; he was the most generous and kindest man I have ever known. He was born in 1948 during a time when Malaysia was under colonial rule; he was from a northern part of the country and due to the conflict and the eventual assimilation of the state into Thailand, his mother and his eleven siblings were forced to move to Kelantan where they lived an impoverished life.

He was quiet, kind, and blessed with a good sense of humor. During his last months, despite the pain, he never complained. He would sparingly remind me of his eventual departure and encouraged me not to grieve as his 'trial would be over'. And so that morning when I woke up and heard the news from my sister, I tried my best to follow his advice.

I remember when I was very young, he was teaching me how to drive our old red Volvo at the Malaysian embassy in Bangkok. The car, which was square shaped, came with its own phone, which I would often pretend to use to call people. He later cut off the cable and gave it to me as a toy to play with at home. I was now able to make phone calls all day. As we drove he asked me, 'What job do you want to do when you grow up?' to which I replied, 'I want your job!' he said, 'No, do something else.' Another time at my school we had to share with the class what our parents did. I asked my father what I should say and he replied, 'I'm a government slave!' I told this to my classmates and teacher. My teacher had a confused look on her face, but probably knew that those were the cynical words of my father, my

classmates and I sat around dissecting the statement wondering if he built pyramids.

His work always seemed mysterious yet important. It suited his personality. His actions were selfless towards his family, friends, and those in need. He never recounted favors.

It is the hope of this book that it serves as a source of inspiration and knowledge for those seeking peace, whether it big or small, internal or external. It is the hope of this book that through his experiences and observations from his colleagues and friends, distilled into words, others may catch a glimpse of who he was and the peace talks that he facilitated.

How wealthy I am to have inherited such an example.

- Tengku Shahpur

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ACRONYMS

AKG	Al-Khoba
ARMM	Autonomous Region of Muslim Mindanao
ASEAN	Association of South East Asian Nations
ASG	Abu Sayyaf Group
BBL	Bangsamoro Basic Law
BIFF	Bangsamoro Islamic Freedom Fighters
BNTF	Bangsamoro Trust Fund
BTC	Bangsamoro Transition Commission
CAB	Comprehensive Agreement on the Bangsamoro
CR	Conciliation Resources
FAB	Framework Agreement on the Bangsamoro
GDP	Gross Domestic Product
GPH	Government of the Philippines
ICG	International Contact Group
IMT	International Monitoring Team
ISIS	Islamic State of Iraq and the Levant
KIM	Khilafah Islamic Movement
MILF	Moro Islamic Liberation Front
MNLF	Moro National Liberation Front
OPAPP	Office of the Presidential Advisor to the Peace Process
TPMT	Third Party Monitoring Team
UN	United Nations

ABOUT THE AUTHOR

Dato' Tengku Abdul Ghafar Bin Tengku Mohammed initially took part in the GPH – MILF peace negotiations in 2000 – 2003 and then rejoined them in 2011. As a career diplomat, Tengku Ghafar joined the prime minister's office the same year that he graduated in law from the university of Malaya in 1972. He went on to serve in Malaysian missions overseas in the Middle East and Southeast Asia. Following his initial work on the GPH – MILF peace negotiations, Tengku Ghafar took up the post of Director General of the Malaysian National Security Council before retiring in 2004. In 2011, he came out of retirement to facilitate the GPH – MILF negotiations once again. After accepting the role, Tengku Ghafar continued in this capacity until the signing of the Comprehensive Agreement on the Bangsamoro in March 2014.



PREFACE

I was fortunate enough to be involved in the peace talks between the Government of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF), an armed group from the southern Philippines who previously fought for the creation of an independent state for Muslim Mindanao, or the Bangsamoro. In March 2014, the signing of the Comprehensive Agreement on the Bangsamoro (CAB) marked a significant milestone in the seventeen years of negotiations, creating an agreement on the creation of a new Bangsamoro political entity with devolved political powers. As facilitator to the peace negotiations, I worked closely with the two parties to help bring about a successful conclusion to the talks. These recent events make this a timely moment to reflect on the process that brought the parties to this point.

While the signing of the CAB marks a milestone in this peace process, it is not perfect. No political agreement ever can be. It is the product of negotiation, disagreement, compromise, passion, and fear. It was not drafted by a collection of experts who could act independently for the best outcome but by two parties trying to achieve their objectives, each within their own constraints. It is important to remain mindful of this when moving into the next phase of the GPH – MILF peace process. By better understanding the details of the agreement process, it is possible to better anticipate the challenges of the future.

It is the purpose of this publication to elevate some of these lessons learnt, highlight the unique approaches implemented, and analyse the current situation facing the Philippines peace process. It hopes to shed light on the internal process that led to the creation of the

CAB. It also seeks to celebrate the work of the peace panels and peace process support structures in their dedicated efforts to promote peace between the GPH and the MILF. High expectations are placed on this landmark agreement and I believe that it will stand-up well to international scrutiny in comparison to other peace negotiations. In the same way those involved in the Mindanao peace process have drawn on other peace agreements as a reference point for inspiration, I hope that this agreement will become a resource for others as they look to resolve conflict elsewhere.

INTRODUCTION

The Comprehensive Agreement on the Bangsamoro (CAB) was signed on the 27th of March 2014, marking a significant moment in the peace negotiations between the government of the Philippines (GPH) and the Moro Islamic Liberations Front (MILF). The CAB is an amalgamation of twelve politically negotiated agreements over seventeen years of GPH – MILF peace talks, with twelve years of Malaysian facilitation support. The armed struggle for the creation of an independent Moro Muslim state in the Southern Philippines has cost more than 100,000 lives and displaced millions. Additionally, the financial cost of the conflict for the GPH has amounted to billions, and years of damage to national Gross Domestic Product (GDP). A partnership in search of peace between the GPH and MILF is seen as a concrete step towards achieving an elusive peace and stability in Muslim Mindanao.

Armed struggle for the establishment of an independent state of the Bangsamoro began in Mindanao in the early 1970s when Moro Muslim groups rose up against the regime of President Ferdinand Marcos after his declaration of martial law. The move to armed resistance against the national government was a response to centuries of socio-economic frustration, structural violence, and the large-scale migration of Catholics from the Northern Philippines to the Southern Mindanao. For the Moro Muslim population of Mindanao, these circumstances were perceived as government sanctioned economic discrimination against them. Secessionist insurgency has continued from this point to the present day, accompanied by a number of peace initiatives and rounds of peace talks.

Originally, the Moro National Liberation Front (MNLF) was at the forefront of the insurgency but in 1984, the MILF was formed

following a leadership split within the MNLF. The motivations for the fragmentation originated in the peace negotiations between the MNLF and the GPH. MNLF – GPH peace talks in the 1970s culminated in the Libyan-brokered Tripoli Agreement, which introduced the concept of an autonomous region for Muslim Mindanao. Hashim Salamat, a leader in the MNLF and future leader of the MILF, disagreed with this approach. Unhappy with the organisation's Marxist orientation and willingness to concede their claim for independence, he split the movement and established the MILF to continue the armed struggle for the creation of an independent Moro Islamic state. While the MNLF peace talks continued with the government in the search to establish an autonomous entity, the MILF did not engage in talks with the government from their founding in 1984 until the exploratory talks in 1996. Peace negotiations did not begin in earnest between the MILF and the GPH until 1997.

Initially the peace talks were a domestic process, but after all-out war in 2000, it became increasingly international, with Malaysia being invited to assist the negotiations as a third party facilitator. In 2005, the peace talks entered a new stage when the MILF altered its approach, dropping its claim for independence and instead calling for autonomy and devolved governance within the parameters of the national system and the Philippines constitution. This concession by the MILF paved the way for more genuine and substantive peace negotiations that aimed to establish a new entity in Moro Muslim Mindanao – one that would remain integrated with the Republic of the Philippines but with devolved political powers and relative autonomy.

A significant step towards the creation of the Bangsamoro autonomous entity was made in 2012 when the Framework Agreement on the Bangsamoro (FAB) was signed. It was designed to:

- (a) acknowledge the grievances of Muslims in Mindanao;
- (b) answer their aspirations for self-determination;
- (c) establish the Bangsamoro identity;
- (d) determine a geographical entity; and
- (e) guide the remaining agenda for the peace negotiations.

In doing so, parties recognised the deficiencies of the Autonomous Region of Muslim Mindanao (ARMM), which had been created through the MNLF – GPH peace negotiations. The initial recognition of the grievances of Muslims was an essential prerequisite towards achieving a true and meaningful autonomy in Muslim Mindanao. The negotiations to establish the Bangsamoro took into consideration the root causes of the conflict and were grounded in the realities of the conflict-affected populations in Mindanao. The issues that the FAB aimed to address included the evident lack of trust towards the GPH, especially due to the problematic implementation of previous peace agreements, poor record of local governance, and long standing issues such as marginalisation and poverty.

The signing of the CAB not only finalizes the peace negotiations, but also sets out to establish the new autonomous entity of Bangsamoro, which are necessary steps to restore peace to the area. The CAB is based on the principles of power and wealth sharing, and includes provisions on normalisation, policing, decommissioning of forces, socio-economic development, transitional justice, reconciliation, and confidence building measures. While it is an agreement signed by the MILF and the GPH, it also recognises the basic rights of the indigenous people and other minorities. Under the agreement, the Bangsamoro will establish a ministerial form of government that will be able to respond to the needs and desires of its diverse population. The MILF has publicly expressed that they are not merely representing their organisation, but support inclusion of all in the area as prescribed

in the agreement. Once implemented, this long overdue and much needed step will allow the Muslims of Southern Philippines to feel that they have a tangible stake in their homeland as it grants them control over many aspects of their political lives.

The MILF described the past seventeen years of negotiations as confidence building blocks that helped boost their trust in the government and allowed them to continue political negotiations instead of armed struggle. Creating this trust is at the very heart of any peace process, where decades of conflict have taken a heavy toll on human life and property. In this sense a peace process resembles a never-ending love story; within it are milestones to achieve rather than a finite end.

The aim of the peace process is to strengthen the democratic fibre of a nation and to remove violence from politics and social life in the affected areas. Enhancing economic and public institutions and crafting long term blue prints for economic and socio-political development programmes are other essential ingredients in the CAB, as part of the continuous effort of strengthening trust and the promotion of a just society. Taking a broad view on the peace negotiations allows for the MILF and GPH to see this as an opportunity for genuine progress rather than a peace accord limited to ending armed violence between two groups.

Both parties to the talks showed a commitment to peace and met the challenges of the negotiations with determination and creativity. This quality of the negotiating teams resulted in the MILF – GPH peace process being characterised by proactive engagement and innovation. Examples of this can be seen in the creation of numerous mechanisms that supported peace efforts in conflict-affected areas, as well as the peace talks. Slowly evolving over the duration of the peace talks, this

network of peace architecture safeguarded the efforts of the parties in the peace process and limited any escalation of tensions.

Additionally, the negotiating panels were willing to learn from other peace processes and consulted experts on a number of topics. The negotiators' openness to include those outside the traditional parameters of the conflicting parties and the facilitator was of invaluable importance to the peace talks. During the peace negotiations, both sides adopted new approaches that increased engagement with conflict-affected populations through consultations and advocacy. The engagement of the international community added another level of transparency. This inclusiveness strengthened the process by ensuring that discussions were grounded in the realities of the conflict-affected populations. It also fostered a greater sense of ownership over the process by Moro and Filipino populations, granting the peace process greater legitimacy and increasing the pressure on both sides to reach a peace agreement.

As the GPH and the MILF move into the post-peace accord phase, numerous new challenges will undoubtedly arise. This stage in the peace process will be the real test of the parties commitment to peace. Both sides will have to work hard, continue to give concessions, cooperate, and coordinate with each other in order to effectively implement the agreements promptly while delivering peace dividends to conflict-affected populations.

The case study of the GPH – MILF process can provide valuable lessons for peacebuilding, both in the region and internationally. Most notably Malaysia's role in facilitation highlights the importance of proactive peacemaking in the region, while innovative peace architectures provide examples of successful peace process support. This publication will go into these internal dynamics and their wider implications.



PROACTIVE PEACEMAKING IN ASEAN



Since its formation in 1967, the Association of Southeast Asian Nations (ASEAN) has been one of the most successful multinational organisations to prevent inter-state conflict from the time of the cold war to the present. For its first few decades, the prevailing objectives of ASEAN were to prevent the spread of revolutionary communism and to ensure that its members¹ would not be drawn into the cold war.

More recently, the region has faced numerous non-traditional security threats including religious extremism, terrorism, militancy, piracy, smuggling, illegal immigration and pandemics like SARS. Moreover, for some members of ASEAN, there have been instances of internal

¹ The members of ASEAN at this time were Indonesia, Malaysia, the Philippines, Singapore, and Thailand.

violent conflict, often arising from secessionist demands made by political armed groups. In Indonesia, conflicts have occurred in North Sumatra, Kalimantan and Irian Jaya (West Papua). In Thailand there has been an upsurge of violence in the volatile southern provinces. In the Philippines, there has been conflict in the southern island province of Mindanao.

The conflict in Mindanao has been seen by other ASEAN states as a primarily local problem. ASEAN practices the norm of non-intervention, and therefore does not intercede in what are considered local disputes. This norm is largely for the sake of maintaining the political authority of each member state's government, and respecting their territorial integrity. However, there are instances where conflicts involving local movements have spillover effects on neighbouring countries such as the proliferation of arms, weakening border controls, and illegal movement of migrants and refugees.

For Malaysia, the Mindanao conflict is one of these instances. Since the 1970s, the East Malaysian territories have dealt with an influx of refugees displaced by the violence in Mindanao. To mitigate spillover effects and to strengthen its neighbouring state, Malaysia was willing to share its capabilities, experience, and influence to help bring the conflicting parties to the negotiating table in the Philippines.

Malaysia's decision to take a proactive approach as peacemaker and facilitator in the region is based on the understanding that the disintegration or weakening of any ASEAN member state would inevitably have an impact on the other members of the association. These impacts include an increase in traditional and non-traditional security concerns, such as refugees, the dissemination of arms, and a growing state of insecurity in the sea-lanes. In this sense, it has always

been in Malaysia's best interest to promote nation-building both domestically and in the ASEAN region as a whole.

MALAYSIA'S ENGAGEMENT

In 2001, Malaysia was invited to join the GPH – MILF peace negotiations following all-out war between the two sides in 2000, which had left the talks stalled. The GPH and the MILF both decided that third-party facilitation was a mechanism that could revive the peace process. This approach proved to be successful and Malaysian facilitation continued for the next twelve years.

Within the ASEAN context, Malaysia's position as the third-party facilitator was sometimes treated with doubt and uncertainty, and remained a sensitive aspect of the peace process. No ASEAN member country wanted another state to interfere in its domestic affairs. Since Malaysia is a Muslim country and the MILF is a Muslim group, Malaysia's role as facilitator was also subject to speculation. Adding to the complexity of the situation was the contesting claims by Kuala Lumpur and Manila over Sabah. These issues needed to be factored into Malaysia's approach, managed and reflected upon at each stage by the facilitator.

Malaysia's facilitation role in the GPH – MILF process has been hailed as a success and provides a good example of ASEAN proactive diplomacy and peace process support in the region. It demonstrates how moving beyond the norm of non-intervention and embracing collaboration to resolve internal conflicts can improve the possibility of peace. With increasing non-traditional security concerns that have international reach, it is necessary for ASEAN to develop practices

in state-to-state collaboration and support in dealing with previously considered domestic challenges.

THE ROLE OF THE FACILITATOR

Negotiations are a complex process and being the third-party in the centre of the process is a challenging balancing act. The role of facilitator requires the capacity to deal with multiple sensitive issues at the same time, tackle setbacks, and remain mindful of third-party constraints. This means managing expectations, positions, emotions, ego, pride, and varying perceptions. Facilitators also need to open the space for engagements at both a formal and informal level, reach out to parties for consensus points, and encourage decision-making. A facilitator's patience, endurance, and the willingness to listen are key. It is also important to understand body language, cultural nuances, and the political context.



Since Malaysia has a federal system, it was especially important for the facilitation team to understand the Philippine political context, particularly the different social and political systems and their implications. In the Philippines, there is a distinct separation of powers with the executive, legislative, and judicial branches of government. The executive initiated the peace process, which meant the process is subject to constitutional issues, constraints and potential legal challenges.

At the core of the Malaysian facilitator role were attempts to make both parties comfortable and for the facilitator to gain the confidence of the respective negotiators. Securing and maintaining this confidence was essential for the role, and this took around a year to achieve. As time progressed and confidence grew, the Malaysian role in the peace process evolved. To quote Soliman M. Santos, Jr.,

*Malaysia's role of facilitation has actually moved beyond that and towards mediation. This includes, among others, devising or promoting solutions, loosening the tension between the parties, creating an atmosphere conducive to negotiation, being an effective channel of information and providing the parties suggestion.*²

This role can only be realised if the third-party facilitation team has gained the confidence and trust of the conflicting parties.

During one instance when the parties had reached a deadlock, the talks were moved away from a negotiation set-up to sofas where both peace panels had coffee and talked freely. This three-hour session touched roughly on the points of the negotiations, but there was no

² Soliman M. Santos Jr., 'Dynamic and Direction of the Peace Negotiations Between the Philippine government and the Moro Islamic Liberation from' (Quenzo City, 2004) Page 45



note-taking. This session was meant to foster a sense of friendliness between the parties.

Moving the peace panels away from specific details to take a wider view on the peace talks helped move them beyond the specific sticking points. It also helped the parties to remember that despite their differences, both sides had the same overarching objective - the creation of a just peace for the Bangsamoro and the Philippines as a whole.

In the negotiations, the role of the facilitator began by establishing the principles both sides agreed with and opening the way for discussions. The facilitator's role is that of the quiet problem-solver: everyone had their own positions, and it was about understanding and respecting those positions while finding areas of possible compromise. It was never a *'you do this, you do that.'*

The facilitator must also be a quiet presence in the peace talks and remain outside of them. Discussing negotiations publicly would risk disturbing the feelings of either side, thus, the facilitator could not talk during on-going discussions. This reserve gave the facilitator the freedom to shuttle between the two panels in their respective communities, making it possible to travel to Cotabato or Manila without drawing attention.

While Malaysia's participation in the peace process was initially sought by the GPH and MILF to break an impasse, its role has evolved to assist the peace negotiations in the long term. Malaysia's facilitation acted as a mechanism to foster and strengthen the trust between the two parties while increasing capacity and legitimacy of the process. Enabling improved communication and problem solving assistance, the

third party presence often helped to avoid deadlocks and troubleshoot them if they arose. The multi-faceted role of facilitation is challenging, but in the MILF – GPH process, the facilitator was also assisted by a number of enabling factors and mechanisms created to support the peace negotiations.

Since the process has progressed to the implementation phase, third-party facilitators are no longer involved in the implementation of the peace process. Drafting and passage of Bangsamoro Basic Law (BBL), an enabling law, is an integral part of the GPH-MILF Peace Process and once passed, shall serve as a foundation for true autonomy, the implementation process of FAB/CAB and sustainable peace and security in the Philippines. But these were purely national processes, undertaken by the Bangsamoro Transition Commission (BTC), which drafted the BBL and undertook public outreach and information dissemination. Third party facilitators recognized and respected the sovereign right of the GPH and did not interfere with the national process of legislation drafting at the House of Representatives and Senate.

Observations and lessons learned from Tengku Ghafar

By David Gorman, Humanitarian Dialogue.

1. The parties need to be central to the process not the mediator. Be sure that they drive and own it and hence are accountable.
2. Let the parties know that you are prepared to walk away if they are not constructive. Do not overplay it of course but do play it once in a while so they know you mean it. Let them know you can move on.
3. Keep meetings short. You do not want to give the parties too much time but just enough.
4. Tactically deploy members of your mediation teams to capitalise on their strengths, relationships, and ability to engage on issues at key moments. This broadens your range of tools and provides you with a better view before engaging yourself.
5. Create a calm, conducive, constructive atmosphere. Allow parties to talk but let it be known when they have overstepped.
6. Be open to making fun of yourself at your expense to disarm people, show your human side, reduce any egos in the room, and loosen people up.
7. Don't try to be right. Try to be constructive. Help parties come to an agreement and don't seek to show them up with facts (you'd be surprised how many mediators try to prove they are right).
8. Don't talk too much. Let them do the talking.
9. Have fun.

PEACE NEGOTIATIONS AND PEACE ARCHITECTURE

The peace negotiations reached the landmark signing of the CAB due to a number of factors internal and external to the peace table. This section will highlight a number of notable influences that contributed to the success of the peace talks.

THE NEGOTIATING PANELS



Central to the peace talks are the negotiating panels representing the GPH and the MILF. Fundamentally, it is their discussions and relationships that will determine the outcome agreement. One of the first notable government actions for the peace process was the creation of the Office of the Presidential Advisor to the Peace Process (OPAPP) to engage various peace processes with armed groups throughout the Philippines. Its creation indicated the government's commitment towards resolving violence with new strategies and

tools. The military was no longer spearheading the process; instead it was civilians and civil society who approached the resolution of conflict from a different direction.

Negotiators must be committed, skillful, articulate, well prepared and able to work inside the parameters set by their respective principals. In the GPH – MILF process, formidable negotiators led the peace panels. Both were articulate, intelligent, and knew what they wanted. Marvic Mario Victor F. Leonen and his successor, Miriam Coronel-Ferrer, headed the GPH peace panel, while Mohager Iqbal led the MILF.

Both sides were willing to make compromises for peace, which was a necessity for the continuation of talks. The MILF agreed to drop their claim for independence, the core demand that had defined the armed group. As such, this is one of the biggest concessions they could have made. Another MILF concession was its willingness to disarm their forces and reintegrate into a civil and democratic society if conditions were right. The GPH also compromised, both by engaging with the MILF in peace talks and granting a lot of leeway on a number of sticking points. One example is by allowing the MILF to have a devolved ministerial form of government for the Bangsamoro even though the Philippines subscribed to a presidential system. This was one of the biggest compromises on the part of the GPH.

The ability to make compromises in this setting fundamentally stems from the strength of the political will behind the talks. President Benigno S. Aquino III is a popular president and his ratings improved through engagement with the MILF peace talks. The MILF also had the political will and saw the negotiations as beneficial. Both president Aquino and Chairman Al-Haj Murad Ebrahim are strong leaders who hold a resolute commitment to peace in Mindanao. Ultimately, it was

the determination of the two sides to find a genuine solution to the conflict, which allowed for the respective parties to justify concessions and reach an agreement.

The GPH – MILF peace process has been praised for the high rate of participation of women, and the resulting agreement has been noted as one of the world's most gender sensitive peace agreements. The signing of the CAB was the first instance in history that a woman chief negotiator successfully sealed a comprehensive peace accord. It was not only in the leadership role that women were represented in the peace negotiations: three of the six-person GPH negotiating panel are women, one member of the MILF panel is female, and the numerous support structures of the peace negotiations, technical working group, and the Malaysian facilitation team all included a female presence.

The inclusivity of the peace talks meant that women's voices were also elevated through civil society organisations. Overall, this amounted to women being almost one quarter of the signatories of the CAB. The presence of women is not only notable for being in compliance with the UN Security Council Resolution 1325,³ it also had an impact on the different approaches to negotiation that were implemented by these women, characterised by more focus on bridge-building and strengthening relationships for collaboration.

The female presence also encouraged the inclusion of a wider breadth of topics in the peace accords. This is evidenced by the presence of provisions that deal with areas beyond the traditionally central issues concerning military, power, and wealth sharing. The agreement includes topics such as policing, transitional justice and reconciliation,

³ UN SC 1325 reaffirms the importance of women in the prevention and resolution of conflicts, negotiations, peacekeeping, peacebuilding, humanitarian response, and post-conflict reconstruction.

taxing powers, division of natural resources, disarmament, decommissioning of weapons, confidence building measures, socio-economic development, zones of joint cooperation and the process for drafting the BBL.

STRUCTURE OF THE PEACE TALKS AND PEACE ARCHITECTURE



Over the seventeen years of negotiations, there were a number of distinct phases, successes, and challenges. In reaction to these phases, mechanisms were developed to assist the process, both in the peace talks and in the wider conflict environment. These mechanisms served to facilitate the peace process acting as support structures, preventive functions, and bringing the negotiations back on track when difficulties arose.

The Framework Agreement on the Bangsamoro

Building on previous agreements, the Framework Agreement on the Bangsamoro (FAB) was the preliminary peace agreement containing the outline of principles that served as the basis for the Bangsamoro-devolved entity and began the process of its creation. To ensure that the FAB was founded on inclusivity, pluralism and equality, it underwent a process of consultation and public engagement at national and conflict-affected levels. The parties continued to hold public consultations on the FAB throughout the talks.

The signing of the FAB on the 15th October 2012 set the principles and agenda for the remainder of the talks and created many of the institutions that are now facilitating the creation of the Bangsamoro. The subsequent peace negotiations filled in the details around remaining annexes set out in the FAB that focused on transitional arrangements and modalities; the division and structures for power-sharing; revenue generation and wealth-sharing; and normalisation. Once the two parties had agreed on the content of the annexes, the final Comprehensive Agreement on the Bangsamoro (CAB) was resolved.

Breaking the process down into annexes created distinct stages and served as a feedback mechanism, making it possible for the parties to demonstrate their respective gains to stakeholders. This was important to gain continued constituency support.

Learning from the previous peace process between the Philippine government and the MNLF, the FAB was crafted taking into consideration the need to address a myriad of issues associated with a multi-layered conflict and the need to redress the more complex roots of violence. The challenges facing Mindanao include the presence of various armed groups and private armies (many of whom remain

active and heavily armed); the deep historical injustices brought about after hundreds of years of colonialism; the legacy of martial law imposed by the central government; continued structural violence and lack of socio-political education; as well as a deficit in accountable and representative public institutions for local governance in the area. The FAB committed the GPH and the MILF to dealing with the root causes of the conflict in Bangsamoro and thus facilitated the process of creating a sustainable and just peace for the region.

The signing of the FAB was a turning point in the peace negotiations and was a very emotional moment for all involved: very few people expected that the parties would be able to reach this point. The moment the FAB was signed, tears of happiness and hope were seen all over the room.

The International Contact Group

The International Contact Group (ICG) is a mechanism the MILF created to resume the peace talks after the breakdown of discussions in 2008. The breakdown followed the declaration by the Supreme Court of the Philippines that the Memorandum of Agreement on Ancestral Domain was unconstitutional,⁴ which prevented the parties from signing the agreement.

After the breakout of violence, the MILF required a mechanism to help rebuild trust between the two negotiating parties, and to address

⁴ The Memorandum of agreement on Ancestral Domain expanded the autonomous region of Muslim Mindanao to include six municipalities in Lanao del Norte; hundreds of villages in the provinces of Sultan Kudarat, Lanao del Norte and North Cotabato, which voted in 2001 to become part of the ARMM; and parts of Palawan. Some lawmakers and officials opposed the agreement and filed a case before the Supreme Court to question its validity. The Supreme Court held that the agreement violated the 1987 Constitution. This decision resulted in the break out o violence in Mindanao, with the MILF forces occupying parts of North Cotabato and raiding towns in Lanao del Norte and Sarangani. The violence displaced 750,000 people and left nearly 400 people dead, according to official figures.

the MILF's desire to balance the perceived asymmetry of power around the peace table. The ICG acted as a guarantee mechanism for the MILF, and widened the reach of the peace process, especially to the international community. Opening the process up to international scrutiny made it more transparent than ever before.

Initially, the government was skeptical of the involvement of the international community in the on-going peace talks. However, the Philippine government relented, and as a result of compromises on both sides, the process was allowed to continue with little delay, and the ICG was created in 2009. The mechanism became a useful tool for the parties, providing pragmatic support when the peace negotiations were both in session and out.

The ICG was made up of representatives from four governments (Japan, Saudi Arabia, Turkey, and the United Kingdom) and four non-governmental organisations (The Centre for Humanitarian Dialogue, the Community of Sant'Egidio,⁵ Conciliation Resources and Muhammadiyah). The ICG acted as a bridge between the peace panels, the negotiation table in Kuala Lumpur, and the respective stakeholders and constituencies in Manila and Cotabato. It would support the peace talks by conducting visits, exchanging views, and providing advice to all parties.

The ICG's vast, combined experience and extensive networks had a large impact in the negotiations. Together, the ICG members brought wide resources and expertise to the negotiations, which were often used to foster understanding on complex issues. They drew on lessons learned and best practice from peace processes in other parts of the world. Members brought experience from case studies such as peace

⁵ The community of Sant'Egidio replaced the Asia Foundation (TAF) on the ICG in 2013. As the peace process progressed so did the support structures, with the TAF transitioning into a role in the third party monitoring team.

processes in Northern Ireland, Myanmar, Aceh, and Nepal. Moreover, they introduced new ideas for breaking deadlocks and supported the facilitator by bringing in experts and resource people on specific issues. The ICG was a vital support to both parties and the facilitator in managing the complexities of the peace talks.

The combination of state and non-state actors in a contact group is the first of its kind and proved to be very effective. In this regard, OPAPP and the MILF should be congratulated for taking the opportunity to formulate an innovative approach to the peace negotiations.

Mechanisms for ceasefire monitoring

Another contributing feature to the success of the peace process between the GPH – MILF is the sustainability of the cessation of hostilities between the parties on the ground. This, in turn, created and maintained a peaceful environment for the negotiation teams to work out the peace deals in a conducive atmosphere. The cessation of hostilities was enhanced by an effective ceasefire setup, which was supervised by the unarmed International Monitoring Team (IMT), the GPH/MILF Joint Coordinating Committee for the Cessation of Hostilities, and the ad hoc Joint Action Group. The work of these bodies prevented events on the ground from destabilizing the negotiations. These mechanisms are also the basis for the establishment of the Joint Normalisation Committee, a transitory body to ensure coordination between the MILF and the GPH until the decommissioning of forces is fully complete.

The IMT acts as an assurance to the ceasefire by overseeing the conflict areas. In the case of the Muslim Mindanao conflict, the warring parties had fought each other for five decades, resulting in heavy casualties and

displacement on both sides. This has created deep-rooted lack of trust between the MILF and the GPH making the maintenance of a ceasefire challenging. There needs to be some sense of trust for arms to be put down. Ultimately, it is the warring parties that will consolidate this sense of trust, but until they reach that point the IMT will continue its support of the ceasefire zones. Statistically, fighting between the GPH and the MILF has been in decline since 2000 and the setting up of the IMT in 2004 to present has added to this sense of peace. This relative peace has a direct positive impact on the negotiation table.

The Bangsamoro Transition Commission and Third Party Monitoring Team

One of the landmarks in the peace process was the creation of the Bangsamoro Transition Commission (BTC) as set out in the FAB and implemented in December 2013. The BTC will draft the Basic Law; work on proposals to amend the Philippine constitution to accommodate decisions made on the Bangsamoro entity; and will coordinate development programmes within Bangsamoro communities. The BTC is a fifteen-member body, composed of eight appointments by the MILF and seven by the GPH making it balanced in its representation. Public engagement is at the core of the process that aims to create inclusive and empowering institutions for the Bangsamoro in a transparent and collaborative process. The creation of the BTC marked the first step towards genuine and representative popular self-determination and self-government. Now, the basic law-making infrastructure needs to undergo a legal and political due process under the supervision of the International Third Party Monitoring Team (TPMT) followed by a plebiscite for its approval. This plebiscite will also decide on the scope of the geographical entity that will be the Bangsamoro, with each area in Moro Mindanao voting

to opt into or out of the Bangsamoro. Placing the people in the centre of the peace process allows for it to be grounded in local realities and thus take the root causes of the conflict into consideration.

The creation of the previous state of affairs under the ARMM has been deemed a failed experiment because it alienated many, who as a result, resorted to violence. It is the hope that the on-going consultations and engagement with numerous stakeholders in Mindanao will prevent a repetition of history with the creation of the Bangsamoro entity. The first step for preventing this alienation is acknowledging that the CAB is an opportunity for peace for all in Mindanao, not just the Moro Muslim population. The second step is the creation of the infrastructures that ensure that the principles of inclusion and equality are incorporated into the new entity, its institutions, and laws. The task of the BTC and the TPMT is to ensure that these core principles, as envisioned by the GPH and MILF during the peace negotiations, are brought forward from the agreement into reality in the creation of the Bangsamoro entity.

The extensive support structures around the peace talks distinguish the GPH – MILF peace process from others in the region. The impacts of the different peace mechanisms were varied – some created a conducive environment for peace negotiations or increased transparency and improved communication between the parties, while others promoted inclusion of the conflict affected populations. Yet each mechanism created momentum for peace that surrounded the talks in Kuala Lumpur and supported those engaged in the negotiations. This proactive engagement by the peace panels in the creation of these mechanisms is what makes the GPH – MILF agreements strong as they are connected to the realities on the ground and are supported by a broad array of actors.



THE POST AGREEMENT ENVIRONMENT AND STATUS OF THE PEACE PROCESS

For the MILF, the CAB does not represent a surrender or reintegration, but reconciliation with the rest of the nation and a normalisation process. This process must be done in an orderly manner and be accompanied by peace dividends. There is a lot of work to be done ahead and it should be planned, finished and translated into reality within the current presidential term, by May 2016.

Critics have noted that the next president to come into office in 2016⁶ may not be as supportive of the CAB and, as the case of any new administration, it may not have a feeling of ownership and responsibility to the agreements made with the MILF by the previous administration. For the MILF, it is imperative that there is some semblance of permanency of the agreements signed between parties. Entrenchment of peace agreements and laws governing the Bangsamoro will need to occur, and then the autonomous region will go through the process of electing a new government. This period of transition will face a number of difficulties, however if the post-agreement phase is approached with the same determination and commitment as witnessed in the peace negotiations, then these challenges can be overcome. As experienced in many other country and conflict settings, durable peace can only be achieved if the peace agreement can be effectively implemented with its commitments and principles translated into socio-political realities.

While the signing of the CAB is a milestone in a larger process, it is also a critical point of transition. Even the most perfectly crafted agreement can fail during implementation. The beauty of the MILF is

⁶ Note: This section of the publication was written prior to the inauguration of the Duterte administration.

that they recognize the need for tangible peace dividends. They realise that signing a peace process is not easy because of the expectations that come with it for both sides. There must be notable peace dividends quickly to demonstrate that the agreement is more than just a document.

To the MILF, now that the agreements are signed, there is no turning back: it is a point of no return. To this end, the GPH has agreed to the creation of a new, demilitarised Bangsamoro and to troop redeployment accordingly. For the GPH, the willingness of the MILF to lay down their arms, participate in the political mainstream and engage constructively in Philippine nation building is one of the major peace dividends. Both sides will now begin working towards the elimination of gun culture, and the control of the proliferation of small arms and light weapons as stated within the provisions of the CAB. The availability of light weapons in Mindanao or any part of the world is often a key factor in perpetuating low-level conflicts and thus thwarting the possibility of peace. A prerequisite to the lasting peace, it is imperative for Mindanao to be free from firearms proliferation, but just as importantly, also free from armed groups and the private armies.

The multitude of armed groups in Mindanao will pose the most direct challenge to the implementation of the CAB, the legitimacy of the MILF, and the GPH. The MNLF, Abu Sayyaf Group (ASG), and the Bangsamoro Islamic Freedom Fighters (BIFF) are often cited as the largest threat to the peace process in Mindanao, but there are also many private armies of warlords that the MILF and GPH will have to contend with in addition to the other armed groups. These local clan and political leaders who frequently wield enormous political and economic influence could find the means to undermine the agreement if they feel that their position is threatened. This is where

the MILF should be inclusive, magnanimous and statesmen like so as to be able to prevent these groups from becoming spoilers to the peace process.

The crafting of the BBL by the BTC will be one of the next milestones on the road leading to peace in Mindanao. The population of Mindanao is not homogenous; they are divided along ethnic and linguistic lines, and are clannish and territorial. Among them, there are those in the national mainstream that have previously enjoyed economic and political benefits. The groups benefitted from the previous state of affairs will be a possible source of challenge to the agreement, the MILF leadership, and the GPH. In this regard, the BTC will have to come up with a document that takes into consideration the needs of every sector in Mindanao, including Christians, indigenous peoples and other minority groups. If not consulted properly and engaged during the drafting process these interest groups may become spoilers and pose a direct threat to the political transition, and even go as far as resisting the establishment of Bangsamoro. The Basic Law, therefore, has to be inclusive, reflecting the needs and aspirations of a broad base of the population to avoid marginalisation of some groups and prevent the creation of new problems that could culminate into a new generation of conflict.

The human development indicator shows that Muslim Mindanao is the poorest region in the Philippines and has enormous socio-economic needs. There are debates at the national level whether the new agreement with the MILF will bring about the much-needed change and accelerate development. The wide spectrum of areas covered in the CAB should facilitate this. The CAB recognised the importance of opening up various economic opportunities; fair allocation and distribution of wealth and public resources; and the preservation of the justice system. The equal distribution of power and wealth are of

paramount importance to the success of the Bangsamoro entity. It will create a stable and just society, bring about a social order and reduce the possibilities of low level conflicts among various sectors of society that live in Muslim Mindanao.

Many Moros in the south believe that continuing under the 'Manila centric' system will stifle the growth and development of their province. This will be a major constraint for the future Bangsamoro government in its relations with the GPH. In the case of the CAB, there is a provision for the creation of inter-governmental bodies as a contact point between them. No matter how strong the negative perceptions against national government may be, they can only be dispelled by a concerted attempt at a lasting peace and socio-economic improvements in Mindanao.

The parliamentary system devised for the Bangsamoro is different to the national presidential system. This is a major issue to address, especially in regards to how these two systems can effectively work side-by-side in the area of governance. The technical aspects, such as agreements on power sharing, transition, wealth sharing and normalisation, will also need to be implemented with care and attention to detail. Translating these new, very technical concepts into reality within the complex situation on the ground and at the national level will be challenging.

The cost of the implementation of the peace agreements can be vast. No single country can afford the maintenance and implementation of peace agreements alone. International support is needed. Fortunately for the Bangsamoro this support from the international community has been forthcoming and will be a huge benefit, as it will hopefully allow the MILF to implement policies effectively and deliver peace dividends to their population in a timely manner.

CLOSING REFLECTIONS



Towards the end of the negotiations the facilitation team explained to the MILF that conflict was easy, you just take the gun and shoot, but that peace is not: it must be based on trust; based on confidence; and the full implementation of agreements in order for the expectations of both sides to be reached. This is what

chairman Al-Haj Murad Ebrahim of the MILF is facing now, whether he can deliver to the expectations of his constituents in Mindanao as well as those in Manila. He described the agreement as the ‘grandest articulation of the MILF’s aspirations’ and these aspirations now must be made into reality.

The CAB marks the end of the beginning of the peace process rather than the beginning of the end. The next stage will take time as it needs extensive resources and continued collaboration between the GPH and MILF. Securing genuine support among non-MILF stakeholders will in some cases, prove to be a challenge. The next phase will require hard work and sacrifices for parties inside and outside the Bangsamoro. Like with the success of the peace talks, transparency and inclusivity will be essential for the MILF to maintain support in the post-peace talk phase. It is only through inclusivity that all groups within the Bangsamoro, whether Muslim or not, will feel the benefits of peace and thus have an interest in its continuation, and through

transparency essential confidence and trust will slowly be built for the new entity.

The success of the GPH-MILF peace talks can be attributed to the commitment of both sides of the conflict towards finding a genuine solution to the grievances faced by conflict affected populations in Muslim Mindanao. Through their innovative approach to the peace process it became more than distant negotiations in a neighbouring country: the peace talks fostered positive engagement, inclusivity, and transparency. For the first time the process was not confined only to the traditional triangle of the two negotiation teams and the facilitator. The peace process structure and engagement reflected the complexities on the ground by incorporating multi-layered involvement with a variety of stakeholders and constituencies. Establishing mechanisms to reach out and consult those affected by the conflict and to involve the international community to promote transparency, legitimacy, and support. Overwhelming backing from both international and domestic audiences demonstrates this point.

This has set a precedent for future peace negotiations that may take place in other parts of ASEAN involving both state and non-state actors. The process brought into consideration a wide range of consultations and participation of people in the affected areas as well as a wider spectrum of the stakeholders both at the national and international levels. Both the GPH and the MILF ought to be recognised as the two main players who brought all these different stakeholders and interested parties into the negotiations process, making one of the most inclusive negotiations that has ever been attempted in ASEAN's history.

TRIBUTES FROM COLLEAGUES AND FRIENDS

DATO' BOUGHT ME A PAIR OF SHOES!

By Mohagher Iqbal

Introduction

When I was asked by Ms. Emma Leslie, a member of Conciliation Resources (CR), to write 'something or anything', borrowing her words, about the late Dato' Tengku Ab' Ghafar bin Tengku Mohamed, I was a little bit hesitant at first. I know it is a difficult undertaking; you have to play justice to the person and the undertakings he had done. Nothing more, nothing less!

During the time of Omar Ibni Khattab, the second Caliph of Islam, a man was under scrutiny for a certain matter. Someone from the assembly endorsed him quickly. Caliph Omar asked the man, 'do you know him as a friend, and have you travelled with him?'; 'have you eaten with him?' The man retorted, 'No, I didn't'; Caliph Omar said, 'Then you don't know him.'

I have been dealing with Dato' Tengku for about the last six years or so, although most of the engagements were official in character. He was the third party facilitator and I was (and still am) the chair of the MILF peace negotiating (now implementing) panel. But in-between the formalities, the informalities had its heyday. The unguarded moments expose the real personality of any man or woman, because there is virtually no rule to observe. Furthermore, the best and the worst in any man or woman comes out in the most trying times.

After a little while, I mustered enough strength and I immediately sent an email to Emma informing her that I am accepting the invitation. I asked Emma to give me ten days to finish the job. I could have probably done it in a fewer number of days but there are other commitments and undertakings that I have to attend on a daily basis. Besides, serious writing demands focus, time, research, and more importantly, a serene environment which I rarely have, especially at this time when new challenges facing the MILF are numerous and diverse.

At first, I chose ‘The man I know little but much’ as the title of this write-up, but I realized later that that would only keep people wondering why I can be at ease with such contradictions of terms. Surely, it cannot be done or it is less sensible to do it.

Finally, I settled for the title, ‘Dato’ bought me a pair of shoes!’

Why I chose this instead of the first?

To me, a man’s greatness is not only measured by the big things he has achieved, but also by the small things that he does so diligently. The shoes he bought me were not extraordinary; they cost only more than a hundred ringgit or about 22 American dollars. I am still wearing them to this day, although they have already worn-out. I intend to keep the shoes as a memory of the departed facilitator, who is a friend, a brother-in-faith, and a good mentor.

Why did he buy me the shoes?

I do not know the answer. I can only speculate. It happened sometime in 2013 after a break in the hard negotiations. He invited me to the second floor of the Palace of the Golden Horses, a very huge hotel,

where Malaysian-made shoes and other products were on display for promotion and sale. He picked up a pair and told me to fit them on my feet. At first, I hesitated, but he pressed on; I said, 'Dato' my shoes are still fine.' Again, he asked me to try. This time, I could not resist, lest I will offend a man whom I respect so much. The reason, I surmised, was probably because he noticed that I was limping slightly. He might have thought that it was due to arthritis, which was not the case. The promoter said the shoes can help minimize the pains of arthritis, short of saying it can cure it.

He did not know that it was due to the thinning down of the membrane in one of the discs in my backbone. My doctor told me to undergo surgery but until now the decision is not forthcoming. I know of one woman who was operated on only to remain paralyzed. But more to the point, I can feel he treated me as a real brother. I supposed it was the spirit of giving that mattered to him more than anything else. He knew I could still manage to buy those shoes on my own.

The other challenge in this exposition is that while the Malaysian Secretariat has all the necessary documentation of the GPH-MILF peace negotiations held in Kuala Lumpur, because it is the official depository of all these documents, as agreed by the parties, they don't have records of the other happenings. It is outside of their responsibility. For this reason, citations of event, which is personal or private in nature, appearing herein usually do not bear the exact date of occurrence.

First Encounter!

The first time I met Dato' Tengku Ab' Ghafar bin Tengku Mohamed was sometime in February 2001 in Buliok Complex in Pagalungan,

Maguindanao, or more specifically, Camp Rajamuda. He was heading a three-man delegation sent by then Malaysian Prime Minister Dr. Mahathir Mohammad to seek the view of the MILF central committee regarding the request of President Gloria Macapagal-Arroyo for Malaysia to act as third party facilitator. After the peace talks, there was a collapse in the ceasefire as a result of the all-out war waged by President Joseph Estrada in 2000.

MILF Chairman Salamat Hashim invited senior leaders of the MILF to attend the closed-door meeting. Present were Al Haj Murad Ebrahim, then MILF vice chairman for military affairs; Ghazali Jaafar, MILF vice chairman for political affairs; Aleem Abdulaziz Mimbantas, MILF vice chairman for internal affairs; Sammy Al-Mansoor, deputy chief of staff of the MILF military organization; and myself, as head of the MILF information department. I cannot remember whether there were other comrades invited to the meeting, but earlier, Salamat had called for a counsel for that purpose.

Before that, I didn't know much about him except a sketchy account of him during the meeting in Tripoli, Libya in June 2001 when the agreement bearing the same billing was signed. Dato' Zacaria bin Abdul Hamid, aided closely by the Libyans, was facilitating.

The second encounter was when I was already heading the MILF peace negotiating panel sometime in 2006. Together with other members of the MILF panel, we were invited to a very important occasion. On the way inside the building, a man wearing traditional Malay attire was at the entrance, he was introduced to me as the same Dato' Tengku whom I met in Buliok Complex some five or six years ago. I greeted him with the usual Islamic salutation 'Assalamu Alaikum' (peace be with you) and I proceeded.

The third meeting, nay association with him, which was to last until his death in September last year, was when he was appointed the Malaysian third party facilitator in 2011. He replaced Datuk, now Tan Sri, Othman bin Abd'razak. From then on, our lives crossed paths very frequently, mostly in Kuala Lumpur, followed by Manila, and at times during international fora such as in Jakarta, Indonesia, Tokyo, Japan, and Istanbul, Turkey where both of us were invited.

The First Baptism of Fire

The first baptism of fire for Dato' Tengku was during the 22nd GPH-MILF Exploratory Talks on August 22-23, 2011. This was his first official act as third party facilitator. During the 21st GPH-MILF Exploratory Talks, he was formally introduced and announced by Datuk Othman bin Abd'razak as the next Malaysian facilitator.

It was during this meeting that the government peace panel introduced the '3-in-one proposal', as a counter-proposal to the MILF draft Comprehensive Compact which it submitted on February 10, 2011 or six months and twelve days earlier. The proposal basically called for power-sharing and equitable sharing of resources within a defined political territory of a Bangsamoro political entity.

As chair of the MILF peace panel, I described the gap between the two proposals as 'heaven-and-earth' apart but GPH panel chair Marvic Leonen said it is 'not too far apart.'

The moment the proposal was formally put forward, the MILF peace panel rejected it immediately. Similarly, the rejection was hardly pronounced when GPH chair Marvic Leonen responded: 'We reject the rejection.'

Under normal negotiations, the talks were heading for an impasse, but Dato' Tengku, supported by members of the ICG, managed to salvage the day and steered the talks onward although in a much smaller or informal manner. Only the two panel chairs and one member from each met in the executive session in the afternoon to clarify each other's statements. The closed door meeting lasted for more than one hour.

Dato' Tengku was totally unaware of the MILF's impending decision. But he never had any sign of remorse in his face afterward. He was very calm and did not bother to ask why a 'bombshell'.

The MILF viewed the government proposal as totally alien to the principle of 'building on prior consensus points achieved' by the parties when they signed the 'Declaration of Continuity for Peace Negotiation Between GPH and MILF' on June 2, 2010. The peace talks will virtually be reduced to 'peace by piece.'

The proposal consisted of three approaches for one problem, which are to be undertaken simultaneously and the implementation of one is not necessarily linked to another. The components are:

- (1) Address social and economic development needs in a participative manner;
- (2) Reform legal and political environments to allow meaningful autonomy and self-governance; and
- (3) Acknowledge the historical causes of conflict towards reconciliation.

‘Are you happy?’

One of his favourite expressions, after every major decision or a breakthrough, say if any of the substantive agenda points had been clinched was, ‘Are you happy?’ I don’t know the exact meaning of this expression, whether it is a way of assuring himself that he had done the job properly or to gauge the feeling of the parties, whether they are satisfied with the result, or to ascertain that he is still viewed by the parties as an honest broker. I think all these were playing in his mind. He just wanted to confirm and be sure.

These thoughts can be more or less validated in his statement made during the 27th Asia-Pacific Roundtable held in Kuala Lumpur, Malaysia on June 5, 2013. He said the most important consideration for a facilitator is whether you have the trust of the two parties, because if the parties in the conflict feel that they have issues with the facilitator, then you have a problem because the facilitator must bring both sides to the negotiating table.

The late Dato’ was a gregarious man, very friendly, and accommodative, but behind this lay firmness and strength of character. In the entire years of facilitating, I know only of two instances where he was upset, maybe not really; it can be part of his style of handling the negotiation to its desired course. One involving a woman and the other a lawyer. The first incident was almost instantly settled, because the woman knew what to do about it; the other was shelved for good.



The Photo Ops

I saw another strength of character in the late Dato' Tengku in what normally would be an irritating moment. It is not uncommon for balding people to be shy of their baldness; some would easily 'blow their heads' if people make fun of them for it.

I cannot remember the date exactly but I am sure it was not after November 17, 2012, because GPH chair Leonen joined the picture taking and the last document bearing his signature bore the date above. It must have been during the breakthrough in the FAB, because the atmosphere was festive. There was a lot of laughter.

Someone (I will not disclose their name) had thought of testing the bald-men in the room to see if they would agree to pose for a souvenir picture. It is a very sensitive proposal. I don't know why the suggestion was made at all. It can be ego busting. All the four men especially Dato' Tengku are respectable people. They have names by themselves. They were asked one by one, of course silently, if they were willing.

Surprisingly, perhaps to the proponent, they all obliged themselves to take part: Prof. Abhoud Syed Lingga, GPH Chair Leonen, a member of the ICG representing Saudi Arabia (I can only recall the first name, Ibno Walad), and Dato' Tengku.

After the session, they appeared not bothered by it at all. I don't know if they asked for a copy of the photograph. That I did not keep track of.

The Durian Party

I cannot remember the exact date of when he promised to throw a 'durian party.' It was probably a way to release the stress that comes out of a grueling day of negotiations.

The durian, which is the fruit of several tree species belonging to the genus *Durio*, smells so terrible. Many people, especially women, don't eat durian because of its pungent odor. Maybe, they don't want their perfumes to be sidelined.

I cannot recall whether the caucasian members of either the ICG and CR, such as Ms. Emma Leslie, Kristian Herbolzheimer, and Ali Salem, as well as the Japanese and the Turkish, joined us in the eating spree. As refined people – probably just to show their congeniality -- I am sure they had a taste of it. The party was intended for everybody.

Dato' Tengku had the skills of creating a calm, conducive, and constructive atmosphere. Negotiation is never fun; it is so stressful. I must confess. Maybe if negotiators were paid, they would be entitled to high salaries. This is the reason that only those with calmness, perseverance, and resilience can be good or effective negotiators,

while emotional people, no matter how bright, have no place in real negotiation.

He tendered a similar party on May 30, 2016. But this time it was in a way to celebrate the hassle-free engagements of the parties and their tremendous achievements during their two-day meeting from May 29-30 in Kuala Lumpur. Aside from the joint statement, they also signed the ‘Declaration of Continuity of the Partnership Between the Government of the Republic of the Philippines and the Moro Islamic Liberation Front in the Bangsamoro Peace Process’, and the ‘Terms of Reference on the Establishment of the Bangsamoro Trust Fund (BNTF)’.

In contrast with the huge and spacious Palace of the Golden Horses, where the first party was held, this time the venue was the Bellamy House overlooking downtown Kuala Lumpur. It used to be the old residence house of the British colonial administrators but is now owned by the federal government of Malaysia.

This time there was durian for everybody. There was even extra for anyone who wished to bring some home, but I don’t know if anyone attempted to.

‘Just be consistent’

One of the most difficult decisions that came my way was the invitation to attend the Senate hearing on the tragic Mamasapano incident, which took place on January 25, 2015. The incident claimed the lives of 44 Special Police Commandos, 17 MILF combatants, and 5 civilians.

As a revolutionary organisation, any member of the MILF is not supposed to participate in the internal legal process of government, which is still technically considered an 'enemy' because the Bangsamoro Question or Problem remained unsolved to this day. The Bangsamoro Basic Law, which is designed to provide a 'system of life and governance suitable and acceptable to the Bangsamoro people', did not pass during the 16th Congress.

The Senate hearing was scheduled to take place on February 12, 2015. I was in Jakarta, Indonesia from February 10 to 11 attending an international forum on peacemaking. But while still in Manila I was approached by Prof. Miriam-Ferrer Coronel, my counterpart from the government, urging me to attend the Senate hearing. She argued that only I could clarify the issues against the MILF. I told her that I have already written Senator Grace Poe about the matter; and more importantly, the MILF central committee had already decided that I would not attend. I also informed her that the MILF had already sent Rashid Ladianan, chair of the MILF Coordinating Committee on Cessation of Hostilities, to explain the side of the MILF on the incident; so there is no need for me to be there. She pressed on and I repeated the same answer. But out of respect, I consoled her by the assurance that I will ask the MILF leadership for the reconsideration of the decision, which I honestly did. Still the reply was negative.

I arrived in Jakarta on February 10. While at the lobby of the hotel, Thomas Phipps, a member of the ICG representing the United Kingdom, approached me and brought the same concern again. But he was so polite in presenting his thoughts. But I could sense that he was very serious about the necessity of my appearance in the Senate. I could sense also that there was no inter-connectedness of the efforts

to bring me to the Senate, but it was simply a legitimate concern shared by many people who were supporting the GPH-MILF peace process. Former Secretary Senen Bacani, a member of the GPH peace panel, also talked to me about the same issue, and my answer was consistently the same.

But fortunately, Chairman Murad and Dato' Tengku were also in Jakarta. They were also invited to the same conference. I told Thomas Phipps to talk to Chairman Murad; if he reconsiders the decision, then I will oblige myself to go, which he graciously did. Chairman Murad did not give a direct 'yes' answer, but he told Phipps that he would consult other members of the MILF central committee, and if there was a consensus then he would gladly send me back to Manila and attend the hearing.

To make a long story short, after a lengthy and expensive discussion through hand phones, consensus was secured. The time was almost ten in the evening and the plane (Cebu Pacific) would leave at 12:00 midnight. On my way to a taxi stand, I asked Chairman Murad for his final instruction, he said: 'Put trust in Allah'; and then I turned to Dato Tengku for the same. 'Just be consistent' was his advice.

I immediately headed for the airport. After about four hours of rough air travel, we landed at the Ninoy Aquino International Airport at 5:00 in the morning. The hearing would start at 8:30 in the morning. Sleepless and jet-lagged, I faced the Senate.

The legacy

Dato' Tengku leaves a historic legacy. The FAB and CAB were clinched and signed during his time. He concluded the real negotiation stage of the peace process and brought it to the next level, which is the implementation.

As a person, he had a down-to-earth personality. Despite belonging to the highest notch of Malay nobility, he remained very humble. As a facilitator, he is like the resilient bamboo, bending when the wind blows but never breaking. When discussions got heated, he had multiple ways to cool it down, including 'making fun of himself.'

I can't recall any instance that he was ever accused of siding with any of the parties. He was so fair that everyone felt that he or she got what he or she aimed for in every agreement signed. After all, in negotiation you get some and lose some. Other Malaysian facilitators are as skillful, talented, and experienced as the late Dato' Tengku. But they didn't have the luck that had given Dato' Tengku the cutting edge. He appeared on the scene at the time the administration was committed to have peace with the MILF.

Good-bye Dato'! May Allah bless you and allow you to enter His paradise!

A POEM FOR TENGKU

By Emma Leslie

The day we met,
You cracked your wit across the peace talks room,
An ice breaking tactic you employed,
A foundation of good humour
That served you well in intensive years to come.

You manoeuvrered us all with deft delight.
Marvic. Iqbal. Ferrer. Mastura.
Gorman. Rood. Ali, Tom, Carol, me.
Kristian. Markus. The community.
The girl gang - Iona, Anna, Armi.
Pasigan. Johaira. Lao.
Never forgetting Biscani!

Negotiation days were long,
To fill the time, you smoked and doodled
And entertained us with stories
Of your kampong life and spying days
And somehow whales and ducks.

Your ancient phone
Would often ring
'My boss' you'd say, 'for sure'.
Your text messages, uniquely styled,
Were they meant to be in code?
Your emails all the more mysterious,
In some unintelligible mode.



The day that Zamboanga burned
You yelled, across the room
Releasing the frustration we all were feeling,
Later your apology touched our hearts
Revealing the colour of your humble soul.

The day we signed in Malacañang
You beamed your honest broker smile
Although more at home in Darapanan,
You played your part in style.

A family man above all else.
Homeira your pride and joy.
Your iPad full of happy snaps
Shahriar, Shila, Shahpur, Airi, Yamin,
Kai, Kianoush, Katiya, Taiga,
Your loves for evermore.

Oslo to Bali, you traversed,
Your insights to impart
on 'egoless, heartfelt facilitation' -
Challenging all the pervasive norms.
The UN, AIIPR, and the NGOs all so much the wiser.

In your last days you drew us close,
You gave us space,
To interject, to share our views,
And once or twice to chair.
You raised us well, and we commit
To honor all you shared.

We thank you sir, for all you taught and
For showing us the way
to work for peace, which does evade,
And for the foundation you have laid.

March 27th, 2017

REMEMBERING TENGKU GHAFAR

By Prof. Miriam Coronel Ferrer

‘Let’s park that’ or ‘Let’s sleep on it’ became the mantra when no one wanted to concede, especially after sitting through explosive or emotional speeches. In several such ‘hot’ moments, Malaysian facilitator Tengku Ghafar would unceremoniously cut the exchange with a call for a break. The recess would last 15 minutes or stretch on for over an hour, as many caucuses also happened during these breaks. Tengku would subsequently resume the session when he and both parties already had a general idea of how to move the process forward.

Tengku Ghafar took over the role of facilitator of the talks between the Philippine Government and the Moro Islamic Liberation Front in April 2011, during the administration of President Benigno Simeon ‘Noyon’ Aquino III or P. Noy. The first months of formal meetings under then GPH panel chair Marvic Leonen were difficult. Many things had to be bridged – from the old to the new facilitator, from the old to the new government team, and the yet undeveloped role of the International Contact Group. The difficulties continued and were evident throughout the talks. In fact, episodes like the one I just described above pockmarked the series of ‘Formal Exploratory Talks’ between the Government of the Philippines and the Moro Islamic Liberation Front even after the signing of the Framework Agreement on the Bangsamoro in October 2012 (after which I became the government chair, in November) and of the Comprehensive Agreement on the Bangsamoro in March 2014 as well.

The good thing was that it was easy to transition from a stiff, formal relationship with Tengku Ghafar to one based on friendship and

respect. We knew that he and Madam Che Kasna, the former head of the Malaysian secretariat, exerted effort to break the ice between the panels, and between him and ourselves. For instance, in the beginning, the new seating arrangement over lunch made sure that the parties were all mixed on one table. At the head table, there were GPH, MILF, International Contact Group representation, and there would be male and female. There were the mixed tables for the younger set or the members of the three secretariats. Dinners were also served together as a group. Though not with uneasiness among us, the ice was somewhat broken with the exchanges of banter all around during these meals.

After several rounds, to his merit, Tengku Ghafar sensed that the dinners and seating arrangements became cumbersome for the teams who had to meet, assess and prepare for the next session. The formal dinners faded away. People eventually chose to sit among themselves or with the others depending on convenience or purpose.

Tengku discerned these little and big things as they evolved in the course of the negotiations. Along the way, he improvised. He improvised pragmatically and intuitively. I believe this intuition was honed not only as a result of his successful career as a professionally trained intelligence officer, but as basically a person with a big heart who sought to understand the needs and wishes of everyone concerned. This intuition also served him well when some things or ideas got lost in translation.

Tengku was his government's ambassador to the talks. He came from a princely class in his hometown of Pattani. He was senior in age in a culture where seniority demanded respect. But he had tamed his ego and was open to new ways. He made sure his own emotions didn't get



in the way. Not that he didn't get angry or felt insulted in any instance. He did. He probably worried about certain instances that appeared like we were 'bypassing' the facilitator - for example, when President Simeon Benigno Aquino III met with Al Haj Ebrahim Murad in Japan in August 2011. But he always put his feelings aside and ably held his bearing throughout, all in the greater interest of the talks.

Altogether, I believe these traits made Tengku Ghafar a good, lovable, facilitator.

When Tengku Ghafar met with the President in Malacanang in the lead up to the signing of the CAB, P. Noy thanked him for being 'an honest broker'. He also clicked in a clumsy way with Executive Secretary Jojo Ochoa who was probably amused to find in their first dinner meeting that they could both relax in each other's company.

As for National Security Adviser CP Garcia, there were no surprises because they were old friends – long-time colleagues in the security profession. The two congenial gentlemen exchanged notes on the threat of radical Jihadism in the region several times, when Tengku was in Manila. One time, though, they couldn't find each other in the hotel.

Tengku also gelled well with Presidential Adviser on the Peace Process Teresita Quintos-Deles, panel members Senen Bacani and Yasmin Busran-Lao, head of secretariat Iona Jalilali, as well as our young, lady lawyers (Johaira Wahab, Anna Tarhata Basman and Armi Bayot). Our meetings with him were filled with laughter and a lot of ribbing. Afterwards, we would slide into quiet seriousness as we discussed problematic developments.

Although we spoke a different language and therefore used English to communicate, we shared with Tengku Ghafar the language of metaphors. For instance, at the July 2012 general assembly of the MILF in Camp Darapanan in Sultan Kudarat, Maguindanao which we all attended, Tengku Ghafar described the stage of the talks to this effect: 'The two panels are now on the same page; soon they will be on the same paragraph, reading the same lines.'

As I listened to him, I nodded my head in agreement. But inside I worried: 'Afterwards, we'll need to read behind the lines, dot our I's and cross our T's.' Indeed, it took us another three months to finish the Framework Agreement and 15 more months to sign the last annex.

In one of our longest meetings, which lasted from October 2-8, 2012 Tengku Ghafar again waxed allegorically: 'this is a preparation for

a wedding. The two families are still negotiating the dowry.’ When things got tough on October 7, ‘The couple are having cold feet,’ he proclaimed.

Finally, the ‘wedding’ took place on October 15, 2012 with the signing ceremony for the FAB. Oddly enough, after the signing, P. Noy tapped on the same symbolism when he thought out loud that after the wedding is over, what would we do to ensure that the mutual commitment sticks? From this musing came the plan to undertake the Sajahatra Bangsamoro, a menu of quick impact social and livelihood projects that was launched in the MILF’s Camp Darapanan in Maguindanao on February 11, 2013 with the President and his Cabinet in attendance.

During the negotiations for the Annex on Normalization, government chair of the technical working group Zenonida Brosas and I insisted on very clear benchmarks to monitor the progress of the implementation of the different components of the annex, especially the decommissioning of MILF weapons and combatants. Tengku Ghafar met the persistence in the two-women tandem effort humorously. ‘Beware of the housewives,’ he warned several times with a hearty laugh. ‘They are after the kitchen money.’

Tengku called this negotiating style ‘kitchen economics’. He said amusedly that his wife does the same thing to him. She would call to ask him to buy this and that, saying she would refund the cost from the kitchen fund. But she allegedly never did. Rather than get mad, Zen and I instead took the ribbing as an acknowledgment of our grit and saw his endearing reference to his wife as a reflection of his generosity toward her. We knew he was comfortable with strong women, and could take frank and honest feedback from them. He and Emma Leslie of CR became good friends too.

In my first months as government panel chair, Tengku Ghafar slipped, several times, calling me sir or chairman. He reasoned good-humoredly that “Sir” in Malaysia is used for both sexes. Then after signing the Annex on Transitional Arrangements and Modalities during the 35th Exploratory Talks held in January 2013, he and I shook hands. He joked, ‘First time I shook the hand of a woman.’ I smiled and said; ‘First time I shook hands with a prince.’ We had a good laugh.

After signing the CAB, Tengku Ghafar and I had many one-on-one conversations, very informally. We sat on the bench at the front porch or in the garden seats of the patio of a Government house in Kuala Lumpur where we once again held our post-CAB, follow-up meetings with the MILF and ICG. He smoked and drank his cup of coffee most of the time, and sometimes I would join him as a ‘social smoker’. In these talks, I learned about his previous assignments in Central Asia. I heard first-hand about his role in resuscitating the peace talks with the MILF in 2001, after the serious breakdown brought about by the ‘all-out’ war waged by former president Joseph ‘Erap’ Estrada. He trekked to Camp Abu Bakar to meet with the late Hashim Salamat and encouraged the MILF to return to the talks. He was also posted in Manila during the heady days of People Power 1.⁷

I also had the pleasure of traveling to different countries with the ‘Facilitator’. In Sri Lanka, we shared a panel at an event on the side of the Commonwealth Summit in 2013. Across the hotel, he joined me to shop for dresses sewn by the seamstress-owner who narrated to us how she lost her old sewing machine to the tsunami that struck

⁷ Known as the People Power Revolution or EDSA revolution. A series of popular revolutions that begun in 1983 and culminated in 1986. The nonviolent revolution saw the ousting of President Ferdinand Marcos. <http://www.bbc.com/news/world-asia-pacific-12567320>

the shoreline. He bought some stuff for his grandchildren. I bought two long wrap-around skirts, one of which I wore at the CAB signing ceremony in Malacanang,

At the June 2013 Oslo Forum, we were invited along with Secretary Deles and MILF chair Mohager Iqbal, who came accompanied by an MILF panel member Bobby Alonto. That was not a good time for the process. The attack on Lahad Datu led by loyalists of the Sultan of Sulu led us to abort a scheduled meeting in Kuala Lumpur a few months earlier. The two parties were unable to agree on many items in the Power-sharing Annex. But we all agreed to meet in Oslo and use the opportunity to give the process some push.

In Istanbul for the conference organized by Turkey's Ministry of Foreign Affairs in 2014, we shared the panel entitled 'An example of a successful process'. On the same panel were Mr. Iqbal and the Special Envoy of the Organization of Islamic Cooperation to the review process for the Government-Moro National Liberation Front (MNLF) Final Peace Agreement, H.E. El Masry. The Malaysian and the Filipinos, including Bangsamoro Transition Commission Ibrahim Ali, and my husband, later strolled around Taksim Square. The MILF men liked some scarves (for their wives) and Tengku Ghafar gallantly paid for these. It was very interesting how we comfortably enjoyed these moments together in private while the MILF was publicly raging against the amendments introduced by the government to the Bangsamoro Basic Law document drafted by Bangsamoro Transition Commission.

In Berlin, in February 2016, Tengku Ghafar and I joined Jonathan Powell, the UK government's negotiator in the Northern Ireland talks, and the South African government negotiator for talks with

the African National Congress Roelf Meyer, as resource persons of the Berghof Foundation. We shared stories and insights with a group of parliamentarians from Turkey. Tengku Ghafar and I also went on the group tour around the former Wall, and had coffee together to fight the bitter wind. I commiserated with him when he got held up by thieves on the way to a flea market the next day. He had wanted to buy some gifts to bring home but all the shops were closed on Sunday. I felt guilty because I was the one who told him about the flea market, where I planned to go myself, but ended up spending the whole morning in a museum.

Truly, I miss Tengku! I miss his 'So be it!' followed by a hand clap on the table every time the two panels finally closed a sentence or paragraph in agreement. I miss his telegraphic text messages and emails, his hearty greetings and silly jokes. I remember his encouragement, even as he must have needed encouragement too.

I can only imagine how much more his family misses him, for he was, first and foremost, a caring and just person.

We in the government team honor and remember Tengku Ghafar. He traveled the long and difficult journey with us from 2011 to 2016. His memory lives in the Bangsamoro story and in all of us who had the privilege of being there as the events unfolded.

Sukran, Tengku.
Salaam.

A TRIBUTE TO TENGKU

By Thomas Phipps

Dato' Tengku wouldn't have minded me saying that he looked old for his age, and his distinguished looks held him in good stead during his career as a diplomat in cultures where a premium is placed on age and status. By contrast, having often been told that I looked young for my age, I worried that my perceived tender years would limit my ability to build rapport and influence the people I met in those same cultures. So I still felt nervous as I waited for Tengku in a hotel bar in Kuala Lumpur for what would be our third meeting. When we had last met, he had sketched out on a restaurant napkin a proposal that he planned to share with the Philippine government and MILF negotiating parties. He hoped that by providing a framework plan he could help the parties unlock progress following the differences in the government's '3-in-1 proposal' and the MILF's draft 'Comprehensive Compact.' In my view the timing was not right and his plan risked calling into question his impartiality (though, eventually, much of his early thinking did end up in the Comprehensive Agreement on the Bangsamoro). My nervousness at sharing this view with Tengku was compounded by colleagues' concerns that cautioning him against his proposal could undermine UK/Malaysian relations at a time when the relationship had recently deepened.

Their concerns and my nerves proved to be unfounded. As I cautiously laid out my thoughts, Tengku listened carefully. I could sense him weighing up the value of my arguments against my possible motivations for providing them. To my relief, by the time I concluded, he agreed. What's more, he displayed no sense of irritation at having received advice from a junior diplomat early on in our relationship. He offered me a cigarette, we talked about our families and he picked up the bill.

During the subsequent four years that I worked with him, I never again felt nervous about sharing my perspectives. He understood the necessity of seeking views from a range of sources, including from members of the International Contact Group and others as well as the negotiating parties, and to judge that information on its merits. He nonetheless also understood the importance of ‘face’ and navigated carefully complex Filipino and Moro social and political hierarchies. He knew how to gather information and most importantly he understood how to use it.

Tengku knew better than I did that within the negotiations the process was often more important than the outcome. He would regularly respond to my insistence that there was an obvious solution to an impasse with a knowing smile. While the solution might be clear, it was important to give the negotiating parties the necessary time and space to reach the same conclusion. When formal exchanges across the negotiating table did not bear fruit, he would employ other tactics. Sometimes a cigarette break would be sufficient, or an informal caucus over coffee in more comfortable chairs. Occasionally he would engage in shuttle diplomacy, visiting the MILF in Camp Darapanan or the Philippine government in Manila. One of the most significant breakthroughs ahead of the Framework Agreement on the Bangsamoro resulted from a conversation that took place 30,000ft above the Philippine archipelago when Tengku found himself sitting next to the then Chair of the Philippine negotiating panel, Marvic Leonen, on a flight from Manila to Cotabato. I remember catching up with him in the Al Nor Hotel complex in Cotabato late one night after he had spent several hours with the MILF Central Committee. He was clearly exhausted but couldn’t stop smiling. He was so pleased that the Central Committee had reached a decision that would move the process forward. It is this image that I remember when I think of him.

While Tengku was justifiably proud, he lacked ego, or perhaps understood the need to manage it. The trust and confidence that he enjoyed with a range of Philippine interlocutors makes it easy to forget the sensitivities surrounding Malaysia's role facilitating the talks. His understanding of those sensitivities placed him under significant pressure, particularly at times when tensions between Malaysia and the Philippines increased, such as the 2013 stand-off at Lahad Datu. He was assiduous in avoiding media attention during the negotiations and shunned any suggestion of personal success in order to deflect attention from Malaysia's role. What's more, he believed firmly in the primacy of the parties and that the resolution of Filipino problems required Filipino solutions, irrespective of the implications of the conflict for the country's neighbours. His respect for the primacy of the parties was one of many factors that ensured that he enjoyed their trust and friendship.

Ultimately, Tengku's success in guiding the parties towards their own solutions rested on his willingness to be himself and, within the privacy of the negotiations, not to take himself too seriously. He regularly struggled to pronounce the names of different members of the negotiating parties but, realising that it would raise a smile, made no real effort to get them right. He was always willing to laugh at himself and I remember the negotiations as much for laughter as for moments of tension. But he was also willing to lose his temper when he felt it was safe and productive to do so. On one occasion during the drafting of the Bangsamoro Basic Law, long after he had earned the trust of both parties, I remember him chastising members of the MILF negotiating panel, accusing them of being 'cheeky' for pushing for a last minute concession. They meekly apologised and like naughty schoolboys giggled once he had left the room. They quickly dropped their additional demand.

I last met Tengku for dinner during which he welcomed my successor with the same warmth that he had welcomed me. He looked tired but, as on the night in the coffee shop in Cotabato, his smile and the twinkle in his eye betrayed his pride at how far the process had come. He told my successor that the real work lay ahead and there was still much to do. As we walked back to his car he told me that he wanted to travel less, so he could spend more time with his family, especially his grandchildren. I understand that this book is dedicated to them and they can be justifiably proud of his vital contribution to the Mindanao peace process. The greatest testament to his work will be the eventual opening of the Bangsamoro Parliament to which I hope they will be invited. I will certainly be there and will be thinking of him.

APPENDIX

CONFLICT MECHANISMS: PREVENTATIVE DIPLOMACY IN THE TRADITIONAL MALAY WORLD

The old Malay world included Malaysia and Indonesia. Southern Thailand, the Khmer empire, and southern Philippines, each culture instituted a sort of preventive conflict mechanism on its own. In the 12th and 13th centuries before the fall of the old Malacca in 1411, the Malacca sultanate paid tribute to the Chinese empire, as a gesture of friendship, the Chinese emperor sent princess Li Po along with her entourage and Chinese settlers to Malacca to reside. Forming what is now known famously as the Baba Nyonyas of Malacca.

The Malay states of Kelantan, Kedah and Pattani traditionally paid an annual tribute to the King of Siam in the form of a golden flower or “Ufti Banga (bunga) Mas” as a mechanism to avoid and safeguard its sovereignty. By the 17th century the British had arrived on peninsula Malaya. The Malay states accepted and invited British advisors as part of its preventive diplomacy to avoid being colonized or starting a war; a wise move by the Malay sultanates, which avoided conflict and direct occupation by the British.

Symbolism plays a key role in Malay culture as well as in the prevention of conflicts. It applied to all levels of negotiation, dialogues and especially solving delicate and sensitive issues or relationships. Any dialogue or negotiation is usually begun with an ice breaking ceremony. The ‘Betel-Nut Ceremony’ as an icebreaker is an old tradition. It was a means of providing both parties involved in conflict a space to cool down before the main issues were raised such as land disputes, clan wars, marriages, and property disputes. It was common for conflicting

parties to use a third party facilitator or mediator as a go-between to avoid embarrassment. Normally they used a respectable person from the village, such as a village elder or 'Ketua Kampung', a village chief or an Imam.

Language used to play a crucial part in negotiations. They used indirect language and were very subtle when they introduced the issues or subject matters. The decision-making was always based on consensus to avoid any hard feelings among the parties.

The principal of the conflict management in the modern era among the countries in the South- East Asian region still use the above tools to resolve intra regional conflicts. The formation of ASEAN is based on the concept of preventive diplomacy. The ASEAN's principle of non-interference and respecting a member's territorial integrity and sovereignty is to avoid wars and escalation of conflicts. Conflicts were resolved through dialogue and decisions were based on consensus.

THE EAST ASIA SUMMIT

AFTERCARE PROGRAMME: NECESSITY AND IMPACT

The Mindanao peace process is not just to bring about a cessation of armed conflicts, but more importantly, to introduce and strengthen the democratic fibre of the conflict zones and to remove violence from politics and social life in the effected areas. These were spelled out very clearly in the agreement.

It is imperative to understand the ideologies behind each group, so as to understand what they are fighting for. All the traditional Muslim insurgents in southern Philippines are community based rebel groups. Like the Moro National Liberation Front (MNLF) and it's off- shoot, the Moro Islamic Liberation Front (MILF) are fighting to create a political, economic, and social space for their respective communities through the armed struggles or political dialogues. While emergence of the Bangsamoro Islamic Freedom Front (BIFF) was the result of the failure to sign the peace accord - the Memorandum on the Ancestral Domain (MO-AD) of 2008 between the Philippines Government and the MILF, the Abu Sayyaf has resorted to kidnapping for ransom not just to help themselves but their community.

Recognition of these root causes is an essential ingredient to formulate any kind of aftercare programme. In the case of the Mindanao conflict the government acknowledged the Muslims' plights, grievances, and aspirations. This acknowledgement extended to the past 'failed experience' of the current Autonomous Region of Muslim Mindanao in fixing the Moro questions, leading to the signing of the CAB. As the MILF chairman Murad described the agreement as 'The grandest articulation of the MILF's aspiration.'

The signing of two major agreements that of 1976 and 1996 between the GPH and MNLF, and the Comprehensive Agreement on the Bangsamoro in March 2014 with the MILF and its' respective implementations, are part of the aftercare programmes. Moreover, enhancing the building of social, economic, public institutions, planning and crafting long term blue prints for economic and social political development programmes are key ingredients towards breaking down 'the vicious cycle' of hostility, as one of the solutions to bring about realisation of lasting peace in troubled Mindanao.

The CAB signed on the 27th March 2014 is the product of 17 years of politically negotiated agreements between the government of the Philippines and the MILF. It is not a quick fix conflict resolution but the culmination of 12 agreements within the span of 17 years of negotiations. The agreement is a great achievement but most importantly is its sustainability through a comprehensive aftercare process and programmes, thereafter. It is a necessity and its long-term impact to the country and region.

The CAB aftercare's most critical element is its national reconciliation through the 'normalisation' process: the decommissioning of MILF arms, a peace dividend to the combatants, economic and social development packages to the communities in conflict zones, economic transformation of seven remaining MILF camps and healing of the past historical wounds. These will be done through several peace- building architectural packages that have been agreed in the Normalisation annex of the CAB.

The decommissioning of MILF arms, their participation in the political mainstream and their willingness to participate in the democratisation of Philippine nation building would have a long-term impact. Thus, it

may lead to the creation of a 'new Mindanao', a demilitarised and 'free of firearm proliferation' Mindanao. The gun culture in Mindanao or any part of the world is often a key factor in low - level conflict, which will eventually lead to violence/militancy

Our engagement (Malaysia) in the Mindanao conflict not only helped in managing regional conflicts but, and most importantly, helped to find a comprehensive solution to the conflicts. This will ensure that it will de-radicalise the MILF and as well as the region. The armed conflicts of Mindanao from the late 1980s to 2000 has not only offered 'sanctuary' and a breeding ground for the radicals, but a training ground for the militant groups in the region. Unresolved conflicts in Mindanao would further re-radicalise the existing groups (MILF, MNLF, BIFF), aside other terrorist groups; the Abu Sayyaf and newly formed Islamic justices movement, the black flag - Khilafah Islamic movement (KIM), Al- Khobar (AKG), have all openly declared allegiance to ISIS. Henceforth, we will continue to support the peace process in Mindanao.

REFLECTION

BEYOND THE PEACE TABLE:
REFLECTIONS ON THE GPH-MILF PEACE PROCESS

BY TENGKU ABDUL GHAFAR

