

# **An Excerpt of the Opening Statement of HE Dato Tengku Ab'Ghafar bin Tengku Mohamed, the Malaysian Facilitator, During the Special Meeting of the GPH and MILF Peace Panels in Kuala Lumpur, Malaysia on May 29-30, 2016**

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## **Presence of Third Parties in GPH MILF Peace Process:**

GPH–MILF Peace Process presents a unique engagement model of Third parties engagement in various aspects of the peace process. Third Parties have been invited at the pleasure of parties after a bilateral agreement had reached between the parties. This has resulted in GPH-MILF peace process as a multilateral process. In a multilateral process such as this one, parties cannot make unilateral decision about role of third parties.

## **Negotiations are over!**

Parties made history by signing FAB (2012) and CAB (2014). With the public signing of these agreements, both parties have completed the daunting task of negotiations – the output of negotiation phase is known to the world in form of internationally recognized peace agreements. Now, the peace process is into implementation phase and both parties have to implement their part of the agreement.

## **Limitation of Third Party Actors during implementation**

Since the process is already into implementation phase, third party are [sic] not involved in ALL aspects of the implementation of the peace process. Basic Law drafting and passage were purely national processes where Bangsamoro Transition Commission drafted the BBL and undertook public outreach and information dissemination. Third parties respect and recognized the sovereign right of the Republic and did not interfere into a national process of legislation drafting and subsequent processes at the House of Representatives and Senate. Drafting and passage of BBL, an enabling law, is an integral part of the GPH-MILF Peace Process and once passed, shall serve as foundation for true autonomy, implantation process of FAB / CAB and sustainable peace and security in the Philippines.

## **Decommissioning of arms and armies:**

Parties on the basis of political milestones of the process have agreed decommissioning of Arms and armies. 15,000 strong MILF force is far from undertaking decommissioning due to non-passage of BBL that was marked as the first and most important political benchmark to begin the process of demilitarization and decommissioning in Bangsamoro. MILF will not decommission without the process agreed in FAB/CAB and related protocols.

## **Federalism:**

MILF has publicly and privately welcomed the idea of Federalism in the Philippines. Though, MILF has been consistent in recognizing that their demand for autonomy is not purely based on devolution of wealth and resources but to protect Moro identity, tradition, culture and Muslim way of life. It is MILF's position that mere introduction of federalism will not address the root causes of Mindanao question.

Federalism as a concept, I believe, is still at early stage of development in the Philippines political context. It is also not clear as to what form, type and degree of Federalism will be proposed for public discussion in the Philippines.

The acceptability and ownership of public for the federalism/constitutional change depends on the model, type and degree of devolution of powers and resources from the central government to the federal units. In Kenya, a federalism-based constitution took ten years of public debate and parliamentary process, but yet to be fully implemented. Another recent example is Nepal that has taken fifteen years of debate to make federalism as an acceptable concept but the new federal constitution has stopped short of defining the federal structures. These examples suggest that Federalism and constitution changes are purely internal, homegrown and part of democratic evolution of national politics and based on its local political dynamics. Third Party actors cannot interfere in such process.

However, it is important to note that Federalism and Constitutional Change (CHA CHA) and decommissioning of forces and implementation of normalization agreement are two separate processes with totally different nature. Decommissioning and Normalization processes are part of international dimension of GPH-MILF Peace Process where third party players have been given specific roles/responsibilities and are connected to the political benchmarks and development of the peace process.

### **Continuity Agreement and next**

Recently signed the Continuity Agreement is the bridge that links outgoing administration and the incoming administration. It lays down principal advice and suggestion which the next administration may follow. As I said earlier, the third party engagements are part of bilaterally agreement of both parties and third parties serve at the pleasure of both, the GPH and the MILF.