

**Various Lessons Learned from various Conflicts and Potential Conflicts Management in
Southeast Asia**

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LESSONS LEARNED FOR DISPUTES MANAGEMENT

Indonesia has had some experiences with regard to dispute or potential dispute management in South East Asia, either from multilateral cooperation or from national experience. The disputes management may involve disputes between states or in some cases internal disputes, but involving outside help and cooperation. The disputes or potential disputes in the area include the management and the resolution of the Cambodian conflicts, which also involve non South East Asia. The internal disputes include such as those regarding the Southern Philippines, the Timor case, and the Aceh Movement for Independence. Other multilateral issues that may end up in disputes, if not managed well, include the issues of the South China Sea and the Straits of Malacca and Singapore. Other issues that may also involve dispute management and multilateral cooperation is the environmental and the water management of the Mekong River, that may involve 5 South East Asian countries (Myanmar, Thailand, Vietnam, Laos and Cambodia) and the Peoples Republic of China, particularly the Yunan Province and other areas in the south of China.

Some of these disputes management have been dealt with informally and some formally, involving non South East Asian countries or parties, or even personalities. The **Cambodian** disputes management started with ‘informal cocktail parties’, involving relevant official personalities, later ends up informal agreement signed in Paris in 1991. The **southern Philippines** started with in formal Indonesia and Malaysia efforts, joined in by Libia and later assisted by Organization of Islamic Countries (OIC), resulting in some agreements between the Government of the Philippines and the MNLF. It is unfortunate that this Agreement was not supported by the MILF. The Timor issue, which was argued as domestic matters of Indonesia for a long time, was settled by the help of the UN, implemented with the help of the UN Forces. The **Aceh** Independence Movement was settled after the devastating tsunami in 2004 by the inter-mediation of the former Prime Minister of Finland, Mr. Maartti Ahtisaari. The **South**

China Sea issues is still being managed informally by the ‘workshop process’ that has lasted for more than 20 years. The **Straits of Malacca** issues, which has been on the agenda for the last 40 years has been solved by the creation of ‘Cooperative Mechanism’, supported by the littoral countries, as well as the user states and assisted by the International Maritime Organization (IMO). The **Mekong** informal initiative had stopped for lack of cooperation by an important country in the Mekong River.

The informal workshop on the South China Sea was not intended to solve territorial disputes among the various Claimants, but aimed to achieve 3 things: (1) devising cooperative programs, in which all participants can take part so that the parties learned the use of cooperation in view of heir habits of “confrontation” in the past, (2) **promoting dialog** among the directly interested parties, so that they could find out solution to their problems, and (3) to **develop confidence building process** so that everyone will feel comfortable with one another.

Experiences with regard to the South China Sea issues indicated that **technical cooperation** is relatively easier to achieve than **resources distribution**, and more difficult with regard to the **territorial** as well as **sovereignty and jurisdictional issues**. With regard to the promotion of cooperation, for instance, it has been agreed to work out a number of cooperative engagement and some of them had been implemented, such as the bio-diversity expedition and some of them are being implemented, such as the monitoring of sea level rise, and the environmental monitoring. Also the training program for South East Asian Networking of Education and Training (SEANET) are also being jointly implemented by Chinese Taipei (2010) and by China (2011) at the cost of each one of them, and participated by all South China Sea participants.

With regard to the **promotion of dialog** between the parties, China and Vietnam had been able to agree on the maritime delimitation in the Gulf of Tonkin (Beibu) and in some instances, some joint cooperation on fisheries in the area. Vietnam and Malaysia as well as Malaysia and Thailand have also agreed in some joint management cooperation. Vietnam and Indonesia had also agreed on the delimitation of their respective continental shelf in the southern part of the South China Sea, north of Natuna.

With regard to the **promotion of Confidence Building Process**, ASEAN and China had also agreed on the Declaration of Conducts between them in the SCS. China and the Philippines, as well as Vietnam and the Philippines had also agreed on some kind of Code of Conduct between them. In the past, there has also been some understanding **not to occupy new features and not to increase military presents** in the South China Sea.

A number of lessons have been learned from these various management of potential or actual conflicts in South East Asia. The paper deals with some of these lessons learned in the management of potential conflicts, that may also be useful to other regions. **Some of these lessons maybe repetitious**, but that may indicate its relevance in dealing with the management of conflict or potential conflicts.

I. Lessons Learned: Cambodia

In 1970s, the political and security condition in Indo-China was heated up, particularly after Vietnam entered Cambodia to support Hun Sen to fight against the Khmer Rouge under Pol Pot and Khew Sampan, who was regardless pro-Chinese. As a consequence, China “taught Vietnam a lesson” by entering the Vietnamese border from the north.

The situation in Cambodia posed a serious problem of security for South East Asian countries. Indonesia would like to develop peace, stability and cooperation in South East Asia and therefore, together with other ASEAN countries, would like to help achieve peace in Cambodia.

Indonesia and other South East Asia countries later on took an effective “informal diplomatic process” that in the end established peace in Cambodia through the Peace Treaty in Paris in 1991.

A number of lessons could be learned from the more than 10 years of experience in dealing with the Indo-Chinese / Cambodian conflicts which later on were useful in dealing with the South China Sea issues. These are:

- 1) If and whenever direct interests of outside powers, especially the big and super powers, are involved in a conflict between and among regional powers, direct

involvement of the super or non-regional powers would not be very helpful, although any agreement reached by the conflicting regional powers would not be effective unless they were endorsed by the involved non-regional major powers. Regional conflicts should ideally be solved by the most directly concerned parties in the region. Regional initiative is crucial in this kind of situation. This lesson could be useful in managing potential conflicts in the South China Sea.

- 2) The initiative for the process of reconciliation should start by informal methods. In most cases, direct efforts toward formal meeting could back-fire. An informal diplomatic and behind the scene efforts could be useful. For this purpose, there was a need to find a disinterested and impartial interlocutor, trusted by all sides and had the interests of all foremost in his mind. Indonesia at that time provided this need.
- 3) The process of managing a conflict or a potential conflict, and hopefully solving it, would require seriousness, tenacity, patience, and wisdom of the interlocutor, supported seriously by the conflicting parties and their backers who saw and considered that it would also be in their interests to end the conflict and solve the problems through dialogue and confidence-building measures.
- 4) The international community at large, including the United Nations, should also support the efforts to reach a solution, and whenever a solution was arrived at, the international community and the UN should endorse it in order to give it international recognition. As necessary, the world community and the UN should also support as much as possible the implementation of the agreed solution.
- 5) The regional leaders must be careful in watching issues that may sooner or later become regional problems or conflicts, and try as much as possible to prevent the issues from becoming conflicts. It was after watching ASEAN spend more than 10 years of its precious time and opportunity dealing with the Cambodian question (from 1979 to 1991) that in 1989 I began to pay special attention to the South China Sea issues which, if not well-managed, could also develop into another conflict in the area, especially after a naval incident between China and Vietnam near the Fiery

Cross in 1998, killing some 70 Vietnamese. I thought then that we should avoid the repeat of the Cambodia/IndoChina conflict in the South China Sea.

II. Lessons Learned: East Timor

Although the peoples of Timor have been living on the same small islands for centuries, the East Timorese have followed separate history from West Timorese. West Timor became part of the Dutch East Indies, and therefore later on became part of the Republic of Indonesia, while East Timor was part of Portuguese colonial administration. The “Flowers Revolution” (coup d’etat) in Portugal on April 25, 1974 resulted in changes in East Timor, which later enabled political parties to grow, such as the UDT (Democratic Party of East Timor), ASDT (Socialist Party) which later became FRETILIN, APODETI and TRABALHISTA (Labor Party).

When the Government of Indonesia announced on October 8, 1974 that Indonesia did not have territorial ambition over East Timor and that Indonesia would respect the right of the East Timorese people to determine their own future, a number of negotiations later took place between Indonesia and Portugal and the various groups in East Timor, but unfortunately did not bring much results. The UDT later sought to unite with Indonesia, while the FRETILIN aligned itself.

The situation in East Timor became out of control. About 42,000 people out of the 600,000 population began to seek refuge in West Timor. Civil war broke out and the Governor of East Timor, Lemos Pires, sought refuge in Atauro Island off the mainland of East Timor and close to Indonesian Wetar island.

During that critical moments, Indonesia asked Portugal to take its responsibility to restore order to enable the people of East Timor to determine their future peacefully and orderly, but Portugal did not respond. Indonesia has also suggested the formation of a joint effort or troops to consist of Portugal, Indonesia, Australia and Malaysia to return the situation to normal, but this effort did not bring result.

There are several lessons that could be learned from Indonesia's experience in dealing with the East Timor question. These are:

- 1) In delicate political issues between states, especially on self-determination and the remnants of colonialism like East Timor, it would probably have been better to cooperate with the UN from the beginning, taking into account the development of the global sentiment and rules on self-determination of peoples and human rights, in addition to attempting to involve regional powers.
- 2) The relationship between domestic politics and international relations should not be ignored. "Globalization" was growing in the world, not only in economic, trade, and investment, but also in other areas such as in political democratization, human rights, good governance, environmental issues, communication and telecommunication, freedom of the press, etcetera. Unfortunately, at that time Indonesia did not fully comprehend the significance and the impacts of globalization in all areas to its domestic as well as international policies.
- 3) It is important to gain support from regional and other international organizations to a certain policy. But the support alone would not be able to solve the problems, unless they are converted to actual cooperation. Indonesia gained enormous support for its policy on East Timor from ASEAN, OIC (Organization of Islamic Conference Countries), NAM (Non-Aligned Movement), and practically all of its neighbors, but was not able to transform this support to meaningful act when the issues of East Timor were moved from the UN forum to a trilateral forum.
- 4) In a situation where the interests of other States are or could be involved, there might be issues which are generally regarded as internal affairs, when in reality they were not really or not any more purely internal affairs. Therefore, suggestions that might not be accepted internally but could solve the problems in the long run should be profoundly studied, and should not be discarded for short-term convenience.

- 5) It should be remembered that there were plenty of political and diplomatic problems with regard to East Timor, and not just security problems. It was unfortunate that the security elements dominated more, so that it was difficult to coordinate domestic security needs with the requirements of diplomacy in international forums.
- 6) The role of international NGOs and the international press, especially the human rights groups of Western nations, aided by modern information technology, should not be under-estimated.

III. Lessons Learned: The Southern Philippines

The root of the problems in the Southern Philippines goes back for centuries. Islam came to the Southern Philippines in the 13th century, much earlier than the arrival of Christianity. Intermittent conflicts had arisen since then. Recently, after more than 2 decades since the Tripoli Agreement in 1976, during which period internal wars continued, some progress and successes have been achieved in managing the conflict at higher level, especially after the Peace Agreement in 1996. There has been demobilization of MNLF combatants and their integration into civilian life and the assimilation of some of them into military and the police. The problems remain, however, with regard to the effective implementation of autonomy at the lower level in the Southern Philippines as well in achieving economic development for the region.

Some lessons could be learned from the management of disputes in the Southern Philippines:

- 1) When a national or internal conflict with religious overtones erupt in a country, it could be difficult to characterize it as a purely internal affair of the states concerned, primarily if it obtained external sympathy and support. While the 'ethnic' or 'provincial-central government relations' aspects of the conflict could be overcome in a purely domestic context, the 'religious' aspects of the conflict could pose much wider ramifications and implications. The Philippines Government since President Marcos apparently had understood this fine line, particularly by inviting the good offices of the OIC and the Libyan government, presumably under the assumption that Libya was supporting the MNLF and the OIC could do some constructive roles in

seeking the solution. Later on, Indonesia and Malaysia as the closest neighbors of the Philippines have also been playing constructive roles in attempting to bring peace to the Southern Philippines. It means that good neighbors could be helpful in seeking solutions to a problem which are generally regarded as the internal affairs of the State.

- 2) In making efforts to seek solutions to a conflict situation, the exact nature of the conflict should be well-understood in the beginning, and efforts should be exerted to understand the genesis of the conflict. In the Southern Philippines case, it was thought that the crux of the matter was autonomy and economic development; however, Indonesia failed to recognize that this might also be the core issues of the East Timor problem, and only toward the end that it considered that autonomy for East Timor was a possible solution. By that time, it was already too late, and strangely, Indonesia even went beyond autonomy by also offering the 'second option', namely separation and “independence” from Indonesia if the autonomy offer was rejected by the people of East Timor. Up to now, the Philippines government never thinks of the 'second option'.
- 3) Of course there are differences between the problems of East Timor and the Southern Philippines. For one thing, East Timor was not part of the Indonesian Proclamation of Independence in 1945, while the Southern Philippines has always been part of the Philippines, at least since the American administration of the Philippines. Perhaps another important difference is that East Timor, being largely populated by a Christian/Catholic community, obtained much attention from international human rights groups, press and media, and the Catholic/Christian community, all of whom portrayed Indonesia in a negative light. On the other hand, the MNLF and the MILF in the Southern Philippines are pictured differently, perhaps because of their 'Islamic' inclination that do not augur well for the sympathy among international human rights groups, press or media. In fact, some of them are being pictured as 'terrorists'. While the OIC, Indonesia and Malaysia played an impartial and constructive role in seeking solutions to the problems faced by one of its friendly neighbors and a member of

ASEAN, the UN and Portugal were generally more sympathetic to the forces that opposed Indonesia in East Timor.

- 4) Once an agreement has been achieved, the parties to the Agreement should not tinker with specific letters of the agreement under any kind of legality pretext. Legality in some cases is not always helpful in settling issues that are clearly of political nature or overtone. While legality is useful and helpful in many cases, and therefore should be meticulously considered before the agreement was concluded, sometime political consideration and interpretation should prevail during the implementation stage, particularly on issues that are overwhelmingly political, such as the interpretation of sovereignty and territorial jurisdictions.
- 5) It should be realized that reaching an agreement and solution to a problem in Southeast Asia and the South China Sea would always be difficult and require strenuous effort. As the problems of the Southern Philippines indicate, a step-by-step approach and point-by-point agreement should be undertaken, and the interests of the various groups and parties should be taken into account. The 'parties' to the conflict, namely the Government of the Philippines and the MNLF, and later also the MILF, took active interest in the negotiation and were present during the whole process within an 'all-inclusive' approach. Patience, persistence, and tenacity are required. It took 20 years and many lost of lives and properties from the 1976 Tripoli Agreement to come to the peace agreement in 1996 between the Government of the Philippines and the MNLF. Hopefully a final peace agreement between the government and the MILF could be achieved much faster. Implementing the agreements would be even harder and more difficult, especially if the agreements are not clear and could be subject to numerous legal interpretations. This difficulty would be compounded if there was no or not enough political will and good will to achieve compromise and a 'win-win' solution in formulating and implementing the agreement.
- 6) Even if there is political will to implement the agreement faithfully, financing the implementation of the agreement could also be a problem, especially in a time of economic downturn and donor fatigue. States and parties in the Peace process or

agreement and cooperative efforts should be helpful in supporting the process and its implementation, or at least helping to seek support for the process and its implementation. Otherwise, the danger of not doing anything or not doing enough could be greater to the country concerned and to the region as a whole, than the costs of doing something.

IV. Lessons Learned: Aceh

The Acehnese had played very significant role in the Indonesian struggle for Independence, beginning from the 19th century up to the actual war for Independence in 1945 – 1990. Yet, toward the end of the war for Independence and at the early part of the 1950s, some Acehnese leaders would like to establish an Islamic state in Indonesia as part of Darul Islam struggle. This group of people later rebelled against the Government of the Republic of Indonesia, which could only be settled by 1962.

Yet, some of the leaders in Aceh were not happy with the settlement and the continued incorporation of Aceh in the Unitary State of the Republic of Indonesia. In the middle of 1970s, a new group came up and rebelled against the Government of Indonesia under the name of Gerakan Aceh Merdeka (GAM) or Aceh Liberation Movement, under the leadership of Hasan Ditiro, a descendant of the Indonesian hero for struggle against the Dutch, Tengku Cik Ditiro, during the colonial period in the 19th century.

In 2004, the tsunami struck Aceh, killing more than 200 thousands people. The Indonesian government took this calamity as a way to work together with the people in Aceh and GAM to overcome the tremendous tragedy and to create confidence building process between the Central Government and the Aceh Liberation Movement.

Accepting the good offices of Mr. Martti Ahtisaari, the former President of Finland and the Chairman of the Crisis Management Initiative (CMI), a peace agreement was finally concluded in Helsinki in August 2005.

The solutions to the Aceh conflict may be useful for the solutions of other conflicts outside of Indonesia. In fact, some of these lessons have been learned from experiences in managing potential conflicts and in seeking the long lasting solution to conflicts in Southeast Asia, such as in Cambodia in the South China Sea, in the Southern Philippines, in East Timor, and in other parts of the world. The synthesized lessons may be useful for other conflict resolution attempts in the future. The following are some key lessons that helped Indonesia and Aceh move forward in peace.

- 1) A military solution is not the solution. Indonesia learned this lesson the hard way, through many military operations that led to even more resentment and discontent on the part of the Acehnese. It is important for both parties to realize that a continuation of armed conflict would not settle the disputes and would benefit neither one of them. A military solution may result in a win-lose situation that may end up as a lose-lose situation. A win-win solution may be achieved only through a sustainable and long-term political solution. In this situation, winning the hearts and minds of the people would be crucial.
- 2) A swift and effective disarmament. In the case of Aceh, this swift disarmament, accompanied by regulated procedures that were agreed upon in detail during the comprehensive planning stage, led to increased confidence during the peace process. But it is vital that once they are agreed upon, the agreements and regulations must be respected and enforced.
- 3) A reservoir of political will is necessary from both sides for peaceful negotiations and resolution. This political will may have been brought about and strengthened as the result of the sufferings of the people of Aceh, culminating in the destruction caused by the tsunami of December 2004. Both sides seemed to realize that the continuation of the conflict was not in their interests and would be a tremendous handicap in bringing rehabilitation and reconstruction to the people of Aceh.
- 4) Both sides also agreed that an 'all-inclusive' approach was necessary. It was no longer viable to involve only certain sections of society in the peace process. The opinion of

all groups should be accommodated, either those who are living in Aceh or in other parts of Indonesia, and even Acehnese who are living abroad. Some of them may no longer be Indonesians because they have adopted foreign citizenship, like those in Sweden and perhaps also those who are living in Malaysia, but attempts must be made to accommodate their views.

- 5) An informal approach. In undertaking efforts to seek solutions, it would seem wise to start with less sensitive issues which the parties may feel comfortable discussing, although it would be important for each party to be clear in what their ultimate objectives are. The negotiators of both sides must be shrewd enough to look for opportunities and seize them whenever they appear, and should be in a position to develop them later on into elements of building up agreements. They should proceed with daring but also with common sense, bringing up sensitive issues when the mood is right. This informal approach was very successful, but it must be shielded from publicity as much as possible. Also, the negotiators themselves should be very senior and important personalities in their respective institutions, so that their counterparts feel that there is mutual respect from the government's side. These senior-level negotiators should also be able to communicate directly and at any time with the top political leadership, so that immediate responses and guidance could be provided when necessary. The highest political leadership must also have and provide the appropriate commitment and constant attention that a lasting solution requires.
- 6) Compromise is often regarded as defeat. It is not. Compromise can be beneficial to all involved. In seeking solutions to highly-charged political issues, both sides should not capitalize on 'differences'. Instead, they should magnify the possibilities for cooperation. In this context, international support should be galvanized to promote opinion that encourage both parties to seek solutions. Hostile comments from outside parties should be discouraged as much as possible. But trust is built in stages. It comes only when one party realizes that the other party will keep its word. If both sides understand that making concessions does not mean losing ground, but instead may lead to gains for both sides -- then progress will ensue.

- 7) Also important is a step-by-step approach. Both sides should keep in mind that the final objective is a long-lasting, permanent, and sustainable solution. Yet negotiations for this lasting solution should be attempted in stages, with trust growing at every stage. This was the case with the Helsinki talks, which started in anger but would eventually improve with friendly gestures. A final solution can only be attempted in an environment imbued with confidence and kinship. This does not come overnight; it requires time and patience. Continuity and patience are vital. The process of seeking solutions to decades-old conflict is an ongoing process. The lack of immediate concrete results should not be cause for despair and frustration. Perseverance and tenacity is key to fruitful negotiations.
- 8) Any foreign assistance or interest in overcoming issues should be considered as helpful, not detrimental. The role of a friendly, disinterested support to the process of seeking peace could be very useful, and should not be taken as interference in the domestic affairs. Indeed, outside opinions can be constructive and useful in bridging the different views and positions. Trust must be extended not only to one's 'enemy' but also to bystanders and observers who too want peace in the region. An overly legalistic and nationalistic approach to a peace process may instead backfire.
- 9) Like in many other disputes and conflicts, the roles of the initiator, the interlocutor, or the convener of the process for seeking the end to the conflict could be very useful, as long as the convener or the interlocutor maintains impartiality and dedication. He or she should be able to retain the respect and cooperation of all the negotiators and their government or institution. If this respect and cooperation is maintained, then all efforts must be made by both sides of the contending parties to galvanize support for the intermediary party, in order to maintain the mood of confidence over the peace process. He or she must also have a good understanding of their issues and pitfalls. The mediator must be fully interested in a peaceful solution as the end result, and not merely the process of peace negotiations.
- 10) Exercise courage, resolve, and mutual respect. Some members of the political elite in Jakarta and elsewhere feared that the so-called 'rewarding' the rebel in Aceh would

create a precedent for other provinces. They feared also that Aceh would become an international issue and follow the example of East Timor. This fear proved to be unfounded. It is necessary for the leadership to weight the consequences of these fears, and balance them with other knowledge. Finding a balance is difficult in any situation. For decades, it proved impossible in Aceh. But this balance was finally found in Aceh, and maintaining it will be an enormous challenge for the region and for Indonesia.

V. Lessons Learned: SCS Workshop Process

The South China Sea Workshop (SCSW) Process, although is not a regional organization envisaged in Article 123 of UNCLOS 1982, is perhaps one of the closest to regional organization stipulated in Article 123. There are other forums that have been dealing with the South China Sea issues, such as the ASEAN-China dialogue, the informal discussion in ARF and CSCAP, but they do not deal with the subject matters enunciated in Article 123. It is therefore important to think of the need to create such a regional or sub-regional organization for the South China Sea as envisaged by Article 123. Pending the establishment of such a regional organization, however, the SCS Workshop Process should continue and be supported by all the coastal states or authorities of the South China Sea. Some lessons that I have learned from 20 years of managing the SCSW Process are:

- 1) The parties to the disputes must realize that the outbreak of the conflicts, especially armed conflict, will not settle the disputes and will not bring benefits to either parties; in fact, they may only bring mutual damage or loss to the parties.
- 2) The existence of political will to settle the disputes peacefully, and to take measures so that the continuation of the disputes would not escalate into armed conflict. The parties must realize that the solution of the disputes would be more in their interest than in their continued prolongation.
- 3) The parties should not legislate any territorial claims and should not involve as much public opinion as possible, especially in the area where the claims are clearly

disputed. Legislating territorial claims and seeking support through public opinion tend to harden the position of all sides, making it more difficult to seek solutions or compromises or even temporary solutions like 'joint developments'.

- 4) The need to increase 'transparency' in national policy, legislation, and documentation, and more frequent meetings among the legal officers of the various regional countries in order to exchange their documentation and information as well as their legislative planning. Successful efforts often begin by informal efforts, either through track-two process or through informal track-one process. After those efforts indicate some possible success, a more formal 'track one' approach can be attempted. This was the case with the Cambodian issue, which started with informal 'cocktail parties', the Southern Philippines issue, and the South China Sea workshops. Preventive diplomacy requires patience, tenacity and consistent efforts.
- 5) Preventive Diplomacy should be undertaken by all parties who have interests in the solution of the problems, either regionally or internationally. Solutions that take into account only national as well as regional interests but ignore the interests of states outside the region would not be an effective long-term solution.

VI. Several basic principles for launching an informal initiative should be observed.

1. **Use an all-inclusive approach. Do not exclude any directly interested countries or parties.**
2. **Start with less sensitive issues with which participants feel comfortable discussing**, without incurring the animosity of their respective governments or authorities. Oil and natural resources, for example, proved to be a sensitive topic; environmental protection is a more comfortable topic.
3. The participants should be senior or important personalities in their governments or authorities, although they are participating in the process in their private capacities.

4. At least during the initial stage, do not institutionalize the structure of the process or create a permanent mechanism. Keep the process as flexible as possible.
5. **Differences should not be magnified and cooperation should be emphasized.** Bringing 'provocative' international attention too early, or immediately internationalizing the process, may be detrimental in the long run.
6. **In view of the delicacies and sensitivity of some issues, it is wise to start with what is possible and follow a step by step approach, taking into account the principles of cost effectiveness.**
7. **It should be understood that the process of managing potential conflicts is a long-term continuing process, where lack of immediate concrete results should not be cause for despair and frustration.**
8. Keep the objectives simple. The South China Sea workshops have two objectives: to learn how to cooperate; and to implement cooperation.
9. **The roles of the initiator, the interlocutor, or the convener of the process as well as the roles of disinterested supporters and sponsors are very crucial.** The initiator, the convener, or the interlocutor, must be impartial, have patience and dedication as well as tenacity and sufficient knowledge of the delicate issues involved. At the same time, he or she must be able to retain the respect and the continued support and cooperation of all participants. He must have the interests of all in mind and should be motivated by the general good, rather than sectoral or group interests, although he must be aware of all those conflicting interests and should be in the position to accommodate them. He or she should strive to arrive at the decision by consensus.

VII. Additional Lessons Learned:

- 1) Bigger countries in the region should be mindful of the views of their neighbors especially the smaller ones. The bigger countries should be careful so that they are not perceived to be dominating or bullying their smaller neighbors.**
- 2) Attempt should be made to broaden the participants in cooperative programs and deepen the areas of cooperation while at the same time promote growth of the regional states. The more the cooperative effort develop economic contents for mutual benefits, the more likely the effort to be more successful. The approach should be inclusive rather than exclusive.**
- 3) There should be more emphasis on regional and common interests. The countries of the region should learn how to pursue their national interests within their regional harmony; in fact, they should perceive the pursuit of regional interests as part of their national interests.**
- 4) There should be a gradual progression of the concept of national resilience to the promotion of the concept of regional resilience and regional cohesion. The positive experiences of ASEAN have been very instructive. The concept of national resilience teaches that the strength of a country depends on, and will be negatively affected by, its weakest links. National resilience will increase if the weakness in its component parts is remedied and the link and cohesion amongst all its components are strengthened. Equally, regional resilience will be negatively affected by instability in one or more of its national components and the degradation of the links and cohesion among its members.**
- 5) The countries in the region should be less sensitive to the concept of national sovereignty, since more and more issues which in the past might be arguably of a national character, now they are becoming more and more regional and having more regional implications, such as the environmental issues, some domestic political stability issues, some severe human rights problems, and even some**

monetary and financial issues as shown recently in South East Asia. Yet, ASEAN has been able to develop this notion from the concept of 'regional cooperation' to the concept of 'constructive engagement', later to the concept of 'enhanced inter-action' in the general interest of all and to create a sense of “Community”.

- 6) Within the true sense of oriental good neighbor, **the countries in the region should be able to be helpful to the neighbors in need if required.** Any 'aid' offered by the richer and stronger countries to the poorer and weaker countries in the region should not always be based on calculation of strict 'national and business interests', but also should have a strong element of 'do-good-ism' and 'disinterestedness', which in the end will promote a stronger regional cohesion.
- 7) **The countries in the region should avoid arms race amongst themselves; in fact, they should be able to coordinate their defense need, thus bolstering** regional harmony and transparencies. There are a lot of non-military security cooperation that could be developed in the region, which in the end would avoid an arms race among them, such as in preventing piracy and armed robberies at sea, illegal traffic in drugs, refugee problems, international terrorism, smuggling, and others.
- 8) **Major external powers, wherever possible and practicable, should support the development of constructive atmosphere in the region for peace, stability, and progress.** The external powers, however, should not involve themselves in territorial or jurisdictional disputes, except requested by the parties concerned, or if the consequences of such disputes are such that they have already endangered or will be endangering peace and stability in the region.
- 9) **Countries in the region should exercise preventive diplomacy by preventing dispute from becoming an open-armed conflict or by preventing a conflict from spreading or aggravating. More dialogue and confidence-building measures or processes among all concerned parties, assisted as appropriate by third party offices, are necessary.**

- 10) **Countries in the region should develop cooperative efforts so that potential conflicts could be managed by converting them into actual cooperation.** Any potential conflicts also contain in themselves elements for cooperation. Efforts to formulate and implement cooperative projects should move beyond the expression of political support to actual implementation by providing the necessary financial, technical, and administrative support.
- 11) **Countries in the region should develop various fora for dialogue, either bilateral or multilateral, either formal or informal.** The various fora for dialogue should hopefully in the end be able to produce a set of agreed “code of conduct” for the region. The contribution of track 2 activities to 'preventive diplomacy' should not be under-estimated.
- 12) Countries should pursue various avenues of peaceful settlement of disputes through negotiation; bilateral if the disputes are bilateral or multilateral if the disputes are multilateral. Since most of the parties are already members of the UN and parties to UNCLOS 1982, and all have pledged their commitments to peaceful settlements of disputes, **they should put those commitments to actual practice by solving their disputes by peaceful means as soon as possible.**
- 13) **Third party mechanism for disputes settlement should also be explored and utilized, such as good offices, mediation, arbitration, and, if necessary, adjudication, through the International Court of Justice or the Law of the Sea Tribunal.** The ASEAN TAC (Treaty of Amity and Cooperation, 1976) had already formulated certain mechanisms for dispute settlement among ASEAN countries, although they were never invoked. A new mechanism for SCS as a whole should be considered, either by drawing from the TAC or from other models.
- 14) **The countries in the region should attempt to settle their land, maritime, and jurisdictional boundaries as soon as possible and respect the agreed boundaries.** They should not settle boundary problems through unilateral enactment of national legislation, because enacting legislation tend to harden positions rather than enabling

the parties to seek solutions. The delay in settling territorial and jurisdictional disputes would not be helpful in promoting regional peace and stability; in fact, the longer the delay, the more the position of each disputant will harden, making it more difficult to settle the dispute, detrimental to the countries concerned as well as to the region as a whole.

- 15) In some disputed areas, the application of Joint Development concept might be useful as long as the zone of the dispute can be identified, and the parties concerned are willing to negotiate seriously on the modalities for the Joint Development concept in a particular area.**

- 16) While encouraging Track 1 activities in the Asia Pacific region to be more responsive and imaginative to deal with the potential conflict, more discussion by the Track 2 activities, including by academics and think tanks, could also be helpful.**

- 17) The interests of non-regional countries should be taken into account, and their potential contribution to avoid conflict in the region should not be discarded altogether.**