The efforts to develop cooperation for regional security and development, so far, has involved some **formal approach** of ASEAN and some **informal approach by academic institutions** and some **informal unofficial approach by some South China Sea officials in their personal capacities**. The formal approach has resulted in the Declaration of Conduct by the Foreign Minister of ASEAN and China in 2002 as well as by China and the Philippines, the Philippines and the Vietnam in formulating some confidence building measures or Code of Conduct between them. The informal approach has been initiated by Indonesia through the Workshop Process on Managing Potential Conflicts in the South China Sea since 1990. It should be noted however, that while the formal approach excludes Chinese Taipei in the process, but include Myanmar as an ASEAN Member although it is not located in the South China Sea, the second informal approach, however, includes Chinese Taipei as an “entity” in the South China Sea issues although no states around the South China Sea area has any diplomatic relations with the Chinese Taipei.

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, (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.
Since the beginning, the South China Sea Workshop had formulated and agreed on some basic principles for Managing Potential Conflicts. The 2nd Workshop in Bandung in July 1991 had recommended to the relevant governments which later on became elements for various declaration or Code of Conduct in the SCS, such as:

1. Without prejudice to territorial and jurisdictional claims, to explore areas of cooperation in the South China Sea.
2. Such areas of cooperation may include cooperation to promote safety of navigation and communications, to coordinate search and rescue, to combat piracy and armed robbery, to promote the rational utilization of living resources, to protect and preserve marine environment, to conduct marine scientific research, and to eliminate illicit traffic in drugs in the South China Sea.
3. In areas where conflicting territorial claims exist the relevant states may consider the possibility of undertaking cooperation for mutual benefit including exchanges of information and joint development.
4. Any territorial and jurisdictional dispute in the South China Sea area should be resolved by peaceful means through dialogue and negotiation
5. Force should not be used to settle territorial and jurisdictional disputes.
6. The parties involved in such dispute are urged to exercise self-restraint in order not to complicate the situation.

Experiences with regard to the South China Sea issues indicated that technical and scientific 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 joint training programs by China and Chinese Taipei for South East Asian Network 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 instance, some joint cooperation on fisheries in the area. **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**, as indicated above, had also agreed on **the Declaration of Conducts** with China in 2002. **China and the Philippines** (in 1995), as well as Vietnam and the Philippines (in 1996) had also agreed on some kind of Code of Conduct between them. Most of the contents of these Declaration of Code were similar to the Workshop Statement in 1991. In the past, there has also been some understanding not to occupy new features and not to increase military presence in the South China Sea. It should be noted, however, that **recently some of those agreed conducts have not been observed by some participants**.

A number of lessons have been learned from the management of potential or actual conflicts in South China Sea. Some of these lessons learned may also be useful to other regions. Some of these lessons maybe repetitious with other cases, but that may indicate its relevance in dealing with the management of potential conflicts.
There are other forums that have been dealing with the South China Sea issues, such as the ASEAN-China dialogue and the informal discussion in ARF and CSCAP. However, participants of the SCS Workshop Process have agreed that those various forums should not replaced the workshop process and they agreed that the workshop process should continue and should be supported by all the coastal states or authorities of the South China Sea.

I. 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. I hope that the leaders around the SCS area have slowly learned this lesson.

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. I am afraid that despite plenty of statements to settle the dispute peacefully, in reality not much efforts or progress being achieved on this point.

3) **One of the most difficult lessons is that 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'. It seems to me that this lesson is very hard to learned.

4) **There is the need to increase ‘transparency’ in national policy, legislation, and**
documentation, and more frequent meetings, formal or informal, 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. In relation to the SCS, it is not easy to understand and solicit explanation what are actually being claimed (the sea itself or the features, or the rights of the features to claimed maritime areas) and what are the precise limits of those claims and their legal basis for those claims.

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. This is of course should not be interpreted as internationalizing the issues.

(continuing)