



Malaysia's Statement on The East Sea

Le Van Bao

Km No. 1, Ha Tri street, Ha Cau ward, Ha Dong district, Hanoi city, Vietnam

thanhminh7589@yahoo.com

Abstract. Malaysia is an island Southeast Asian country and is also a major claimant in the sovereignty dispute over the Spratly Islands. The sea and islands in general and the East Sea in particular play an extremely important role in all aspects of national defense, economy and society of this country. This article clarifies the role and importance of the East Sea for Malaysia and the factors affecting its maritime policy. Thereby, the article clarifies the impact of Malaysia's position on the prospects for the situation in the East Sea.

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1. The role and importance of the East Sea for Malaysia

Malaysia is a federal constitutional monarchy located in the southern part of Southeast Asia. The country consists of 13 states and three federal territories with a total land area of 330,803 km².

Malaysia is split into two parts across the East Sea: Peninsular Malaysia and Malaysian Borneo. Malaysia shares land borders with Thailand, Indonesia and Brunei; has maritime borders with Singapore, Vietnam and the Philippines, and borders with Cambodia through the Gulf of Thailand. The capital city is Kuala Lumpur, but the seat of the federal government is Putrajaya.

According to the 2020 census, the population of Malaysia is nearly 33 million people (Department of Statistics, 2020).

Geographical and historical characteristics are important factors in shaping Malaysia's strategic position on the seas and islands.

The defense white paper asserts that Kuala Lumpur is a maritime country of continental origin. Accordingly, their geographical location presents both opportunities and challenges because they face two arena - namely, the Indian Ocean bordering peninsular Malaysia to the west; and the Western Pacific Ocean and the South China Sea bordering Sabah and Sarawak to the east (Hong Phuc, 2020).

Malaysia's 2020 defense white paper also shows that the country's history has shaped its strategic stance - as a caliphate, a centuries-old colony of the West, and an independent federation Create (Hong Phuc, 2020).

2. Factors affecting Malaysia's position on the East Sea

Factor 1: Flexible foreign policy in the face of competition between the US and China in the region

As a neutral country, Malaysia is trying to play the sensitive game of chess, by coordinating with both China and the US. Malaysia perceives that both countries act in their own interests, which cripples all cooperation agreements for the claimants in the East Sea. However, Malaysia is looking to shake hands with both nations in the future - with the US as its "long-term" military partner and China as its "historic" military partner.

Malaysia has expressed its intention to work with other countries, especially the Five Powers Defense Agreement (FPDA) with the UK, Australia, New Zealand and Singapore on traditional security issues. The FPDA is an informal security arrangement established in 1971 that does not cover foreign invasions of Exclusive Economic Zones (EEZs). Therefore, Malaysia will have to protect its own interests in the South China Sea.

What is important here is that Malaysia sees ASEAN as the cornerstone of its foreign policy, where it joins a "strong and resilient" organization that serves its defence. Thus, although Mr. Yassin's position in the East Sea has been made clear, the Covid-19 crisis and the potential political reaction of the opposition could prevent him from adopting a confrontational or passive approach activities in the East Sea in the short term.

Factor 2: Impact from defense policies of major countries

On the tripartite security agreement between Australia, the UK and the US (AUKUS). Prime Minister Yaakob stressed the importance of maintaining Southeast

Asia as a nuclear weapons-free region, in line with the Declaration on the Zone of Peace, Freedom and Neutrality (ZOPFAN) and the Regional Treaty Southeast Asia without nuclear weapons (SEANWFZ).

Malaysia generally avoids a confrontational tone with China and avoids any overt strategic cooperation with the US. Not to mention, Malaysia is also one of the strongest critics of the establishment of the AUKUS alliance between the UK, Australia and the US, and the agreement to build nuclear submarines between the three countries.

But when looked closely, it can be seen that Malaysia is implementing a two-way strategy. On the one hand, avoiding confrontation with China, on the other hand, quietly resisting Beijing's influence expansion in the East Sea. In recent years, Malaysia has stepped up energy exploration and maritime patrols in waters in the East Sea claimed by China unilaterally, limiting its reliance on Chinese capital and technology make the most of international law and at the same time expand relations with external powers to strengthen their interests (Hong Anh, 2021).

Besides, Malaysia is said to be quietly strengthening defense ties with major powers such as the US and Russia. In August 2021, the Malaysian Navy participated in the annual Southeast Asia Training and Cooperation exercise with the US and 20 other countries. Earlier in April 2021, the Malaysian Air Force conducted a joint exercise with the US aircraft carrier USS Theodore Roosevelt in the East Sea. In addition to expanding joint exercises, Malaysia has also increased purchases of Russian weapons, including modern fighter jets, to bolster its strategic deterrence.

Malaysia appears to have shifted its foreign policy from the time of Najib's government, which tended to concede to China, to that under the Mahathir government, which advocated a "non-aligned" foreign policy the importance of multilateralism and non-militarization of disputed maritime areas.

Under Prime Minister Mahathir's Coalition of Hope (PH) government, Malaysia's first 2020 Defense White Paper was published, which highlighted Malaysia's strategic vision. In particular, this document identifies Malaysia's maritime claims in the East Sea as its primary security concern. Accordingly, Malaysia's note represents Malaysia's toughest stance in the South China Sea in recent times and places it as a top priority in the Defense White Paper.

The 2020 political crisis in Malaysia, which led to the appointment of incumbent Prime Minister Muhyiddin Yassin, has led to certain uncertainties in Malaysia's position in the East Sea. However, Mr. Yassin's meeting with Chinese Defense Minister Wei Fenghe on September 9, 2020, in which the two sides exchanged views on the East Sea, showed the Yassin government's commitment to maintaining its top priority head of Malaysia according to the Defense White Paper.

Malaysia's position emphasizes that it intends to confront thorny issues, such as the "unsettled great power competition" fueled by US-China hostility and its "Eastern neighbors". Complex South Asia" which has security interests and issues that greatly affect Malaysia due to its proximity. The content in the Defense White Paper emphasizes that Malaysia is a "neutral country", meaning that it will minimize the use of force because it asserts itself as a peace-loving state. .

However, when faced with a threat at its doorstep, the Defense White Paper asserts that Malaysia is ready to confront it through "synergistic deterrence". Accordingly, threats to Malaysia's national interests, such as those in the East Sea, will be addressed through a common and credible defense network. Over the next 10 years, Malaysia will strive to modernize its relatively weak military to protect its interests in the East Sea.

Over the years, Malaysia has reconsidered its "silent diplomacy" with China amid rising tensions in the East Sea, and expressed concern about the so-called "debt trap" diplomacy of North Korea. Terrible.

Although divided over the agreement to establish the AUKUS alliance between the UK, Australia and the US, recently, many Southeast Asian countries have expressed a united stance in opposing China's aggressive actions in the region. East Sea.

On October 4, 2021, Malaysia summoned Chinese Ambassador Duong Ngoc Tinh to protest the presence and activities of Chinese ships in its exclusive economic zone (EEZ) in the East Sea. This is the second time this year that Malaysia has summoned the Chinese Ambassador to the East Sea issue.

Malaysia's Ministry of Foreign Affairs asserts that the presence of Chinese ships, including survey ships, in the country's exclusive economic zone off Sabah and Sarawak violates the EEZ Act 1984 of Malaysia. Malaysia, as well as the 1982 United Nations Convention on the Law of the Sea (UNCLOS). The move comes a day after the new Malaysian Prime Minister Ismail Sabri Yaakob announced that the country will "not compromise on sovereignty" related to the dispute at sea.

Earlier in June 2021, Malaysia accused Chinese warplanes of violating its "sovereignty and airspace", and stated that it "has friendly diplomatic relations with any country that does not have friendly relations with any country", which means we will compromise on our national security."

Historically, Malaysia has enjoyed a relatively close relationship with China, its top trade and investment partner in recent decades. And Beijing seems to adopt a less assertive approach towards Malaysia on the East Sea issue - where there are always disputes and confrontations between the parties involved. This is why, observers are not surprised by Malaysia's reaction to the agreement to form the AUKUS alliance. While most countries, except for the Philippines - an ally of the US, maintain silence,

while Malaysia openly criticized the agreement, calling it a worrying development that risks destabilizing the region in the context of the crisis. US-China tensions escalate.

However, there is no denying the fact that over the years, Malaysia has gradually reconsidered its "silent diplomacy" with China amid rising tensions in the East Sea, and expressed concern about what Beijing's so-called "debt trap" diplomacy.

Former Prime Minister Mahathir Mohamad has publicly criticized China's infrastructure projects in this country, while taking a tougher stance on the issue of territorial disputes in the East Sea. Under Mahathir, Malaysia threatened to file a lawsuit against China at the International Court of Justice, and criticized Beijing's "nine-dash line" claim to claim most of the South China Sea as "ridiculous".

Starting from December 2019, Malaysia has increased oil and gas exploration activities in the East Sea. After the end of the Mahathir government, Malaysia continued this activity despite the challenge from China.

In 2020, before the incident that the West Capella exploration drilling ship and other oil drilling ships chartered by Kuala Lumpur were constantly threatened by Chinese ships, Malaysian Foreign Minister Hishammuddin Hussein at that time affirmed that the country "remains resolute in its commitment to protect its rights and interests in the East Sea". Not long after, the Malaysian king called on the Malaysian government to "regularly focus on maritime issues and adopt a strategy to support the people's geopolitical aspirations".

In 2021, the Malaysian government reaffirmed that "when determining Malaysia's position and course of action on the South China Sea issue - a complex issue and related to relations between countries, Malaysia's national interest remains the same." is paramount" "Malaysia reiterates that all issues related to the East Sea must be resolved peacefully and constructively, in accordance with widely recognized principles of international law, including UNCLOS, 1982".

To deter Chinese aggression, Malaysia has been beefing up its defense capabilities in recent months. In August 2021, the Malaysian Navy conducted the week-long "Taming Sari" exercise, with the successful test-fire of three anti-ship missiles to demonstrate the country's increasingly powerful defense capabilities.

At the same time, Malaysia participated in the Southeast Asia Cooperation and Training Exercise (SEACAT) consisting of 21 countries. The exercise is intended to encourage nations to use their navies to increase understanding of "the operating environment, build capacity for humanitarian assistance missions, and uphold international law and norms." A few months later, the Malaysian Air Force conducted a large-scale joint exercise with the USS Theodore Roosevelt aircraft carrier strike group of the US, confirming the solid maritime security cooperation between the two countries.

Factor 3: Malaysia's close economic relationship with China

For decades, Malaysia has pursued a friendly policy towards China, which is now Malaysia's largest trading partner and top investor. Under former Prime Minister Najib Razak, Malaysia has benefited from the strong growth of China's economy, including investment deals in infrastructure development as part of the Belt and Road Initiative.

Close economic ties have led generations of the country's leaders to pursue a policy of "silent diplomacy" regarding disputes in the East Sea. However, China's efforts to expand its economic influence over Malaysia have fueled anti-Beijing sentiment in the country.

During the 2018 election campaign, the opposition party led by Mahathir accused Beijing of carrying out a policy of "debt trap diplomacy". The figure has also garnered national support with his pledge to end major Chinese investments that were once thought to be overvalued and subject to irregularities in the bidding process.

After coming to power, Mahathir pursued a two-way policy, praising the friendship between China and Malaysia on the one hand and warning about Beijing's economic manipulation on the other. This policy has worked. Within a year, the Mahathir government had sought to renegotiate major economic deals with China, including the \$14 billion East Coast Rail Link project. As bilateral ties appear to be mending, Malaysia has reinforced its interests in the East Sea. Despite Beijing's frustration, Kuala Lumpur still conducted oil and gas exploration activities in the area claimed by China unilaterally, and sent a note to the United Nations rejecting the "nine-way line" claim. Beijing's absurdity in the East Sea.

After the resignation of Mahathir in 2020, Malaysia remained tough on geopolitics but diplomatically soft on China under former Prime Minister Muhyiddin Yassin and incumbent Prime Minister Ismail Sabri Yaakob.

Faced with reports that Chinese ships "harassed" oil and gas exploration activities of Petronas company in Malaysia's exclusive economic zone (EEZ), the country's Foreign Minister, Saifuddin Abdullah, announced in October 2021. "We have always opposed this action of China. We will be firm and respond diplomatically to them." And Defense Minister Hishammuddin Hussein affirmed: "Malaysia still resolutely defends its interests and rights in the East Sea."

Earlier this year, the Malaysian government turned down Chinese telecommunications giant Huawei to sign a deal to build 5G network infrastructure worth \$2.65 billion with Sweden's Ericsson. New Prime Minister Ismail Sabri Yaakob also maintained a tough stance, pledging not to compromise on sovereignty disputes with China in the East Sea. In October 2021, Malaysia accused China of violating its airspace and summoned the Chinese ambassador to

protest the presence of its ships in Malaysia's exclusive economic zone.

3. Malaysia's position on the East Sea

Malaysia is a country bordering the East Sea and is the subject of a number of disputes over sovereignty over islands in the Spratlys and overlapping waters with other countries in the region. Malaysia's first defense white paper identifies Malaysia's maritime claims in the East Sea as its top security concern.

(1) Position on the extended continental shelf in the East Sea

On December 12, 2019, Malaysia heated up a new round of diplomatic debate in the East Sea by submitting to the United Nations Commission on the Limits of the Continental Shelf (CLCS) a claim to an extended continental shelf (ECS) beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. This is a unilateral submission, following the joint submission of Vietnam-Malaysia on the continental shelf extending beyond 200 nautical miles in 2009. By the latest submission, Malaysia has "shot one arrow to many targets".

First, Malaysia extended its continental shelf claim drawn in the 1979 map by the Malaysian Bureau of Mapping and Surveying to both the north and south of the East Sea, in order to claim almost twice as much continental shelf as it claimed, book in 1979.

Second, the above action shows tacit support for the 2016 Arbitral Tribunal's ruling that all the island features of the Spratlys have only a 12-nautical-mile territorial sea and cannot claim to create its own exclusive economic zone and continental shelf. Interestingly, the cover of the submission shows that the application was completed from 2017. Presumably, the preparation of the application was carried out by Malaysia not long after the Arbitral Tribunal's decision.

Third, the submission indirectly refutes China's nine-dash line claim, even though Malaysia is not a party to the Philippines' case. In the Note dated December 12, 2019 objecting to Malaysia's submission, China repeated its claim to the exclusive economic zone and continental shelf from the East Sea islands (islands in the East Sea); and their historic rights in the East Sea.

Fourth, the above submission promotes the similar application of the award of the Arbitral Tribunal to the features of the Paracel Islands, declaring that "the subject of this submission is not located in the disputed territory or maritime disputes between Malaysia and any other coastal state".

Fifth, this submission prompts the States concerned to negotiate with Malaysia on the delimitation of areas that may overlap. The submission notes that, "there are areas of potential overlap in terms of the continental shelf beyond 200 nautical miles of the area that is the subject of this

submission". In that direction, the Philippines may join Vietnam and Malaysia in submitting a tripartite submission on the continental shelf beyond 200 nautical miles in the future.

Sixth, the submission was made prior to the conclusion of negotiations on the Code of Conduct of Parties in the East Sea (COC), allowing Malaysia to avoid the limitations of the final COC (if any). This also helps Malaysia find an advantage in negotiations related to the East Sea.

Last but not least, the submission also encourages the Commission on the Limits of the Continental Shelf to review the 2009 Vietnam-Malaysia joint submission, on the grounds on which China and the Philippines objected to the submission. That submission was rejected by the 2016 Arbitration Court. More precisely, the nine-dash line has been declared invalid and features in the Spratlys are not eligible for island status. In other words, Malaysia's submission raises questions about the relationship between the Commission's activities on the Limits of the Continental Shelf and the legal rulings.

Theoretically, the Commission on the Limits of the Continental Shelf does not have the authority to make recommendations to coastal states on matters relating to the establishment of the outer limits of the continental shelf beyond 200 nautical miles, their own if other countries object. However, such objections must be based on sound legal grounds. The race to delimit the continental shelf beyond 200 nautical miles will also affect the ongoing COC negotiations between China and ASEAN as the East Sea may no longer be considered a semi-enclosed sea (semi-enclosed sea) due to the existence of high seas in between.

At the policy level, Malaysia promoted a policy of appeasement with China under former Prime Minister Najib Razak before switching to a policy of non-alignment under former Prime Minister Mahathir Mohamad. Currently, under the Muhyiddin Yassin administration, the uncertainty in the Malaysian political scene and the Covid-19 acute respiratory infection pandemic may hinder the goal of Kuala Lumpur's note, making their position at the East Sea becomes blurred.

(2) Position in the sovereignty dispute over the Spratly Islands

On July 29, 2020, Malaysia's permanent mission to the United Nations sent a note of its position in the East Sea to the Commission on the Limits of the Continental Shelf (CLCS), which affirmed that the maritime claims of China has no legal basis under international law. Accordingly, Malaysia claims sovereignty over the southern group of islands in the Spratly archipelago, where it controls five features - Ardasier Reef, Erica Reef, Investigator Shoal, Mariveles Reef and Swallow Reef. Before that, despite the overlapping claims in the East Sea, former Prime Minister Najib signed multi-billion dollar agreements with China,

including the agreement to buy military equipment from China in 2016 - The first agreement in Malaysian history.

Furthermore, Malaysia and China signed a Memorandum of Understanding on defense cooperation, highlighting the naval cooperation between the two countries. Unlike Mr. Najib, who welcomed Beijing's Belt and Road Initiative (BRI) and forged military ties further, his successor - former Prime Minister Mahathir - sought to renegotiate the terms of the agreement, deal with China under Najib. Mahathir also stressed that he did not want to see warships in the disputed East Sea and the Strait of Malacca.

(3) Malaysia's position on the negotiation of the Code of Conduct in the East Sea (COC)

At the 16th East Asia Summit (EAS), Malaysian Prime Minister Ismail Sabri Yaakob affirmed Malaysia's consistent position that issues related to the East Sea must be resolved peacefully and reasonably through dialogue and consultation, using appropriate diplomatic forums and channels.

Prime Minister Yaakob also emphasized that, in order to ensure that the East Sea remains a peaceful and stable sea, all parties need to exercise self-restraint and avoid actions that may be considered provocative and may further complicate the situation and escalating tensions in the region. According to the head of the Malaysian Government, as a country with a claim to sovereignty, this country resolutely supports the view that issues related to the East Sea must be resolved peacefully and constructively, in accordance with the law accordance with widely recognized principles of international law, including the 1982 United Nations Convention on the Law of the Sea (UNCLOS).

Yaakob also reaffirmed his commitment to promote the Code of Conduct in the East Sea (COC) in negotiations related to the settlement of territorial disputes in this resource-rich sea, and said Malaysia looks forward to the negotiation process to achieve an effective and substantive COC ends soon.

4. Impact of Malaysia's position on the prospects for the situation in the East Sea

The sea and islands are considered as a core interest of Malaysia; therefore, the country has taken advantage of many opportunities to show its tough stance to protect its maritime interests. However, Malaysia has been very successful in avoiding confrontation with China by adopting a flexible and soft foreign policy, while strengthening its position in the East Sea by developing defensive capabilities and strengthen cooperation with other countries in both the East and the West.

However, from another point of view, this "dilemma" makes the note on Malaysia's extended continental shelf claim pale in comparison to its flexible diplomacy towards major powers inside and outside the region. As long as the Defense White Paper remains in force, Malaysia will embark on a long and challenging journey into the next decade in a world full of unpredictable changes.

Corresponding Author:

Nguyen Thanh Minh,
Km No. 1, Ha Tri street, Ha Cau ward, Ha Dong district,
Hanoi city, Vietnam
E-mail: thanhminh7589@yahoo.com

References:

1. Hong Anh (2021), "After the strategy of "silent diplomacy", Malaysia resolutely deals with China in the East Sea", <https://vovlive.vn/sau-chien-luoc-ngoai-giao-im-lang-malaysia-cuong-quyet-voi-pho-trung-quoc-o-bien-dong-358987.html>, accessed on March 5, 2022.
2. Hong Phuc (2020), "Hardness and softness" in Malaysia's view of the East Sea", The World and Vietnam Newspapers, <https://baoquocte.vn/do-cung-va-mem-trong-quan-diem-cua-malaysia-ve-bien-dong-124636.html>, accessed on March 5, 2022
3. Department of Statistics (2020). Portal Rasmi Banci Penduduk dan Perumahan Malaysia (n.d.). Retrieved April 9, 2022, from <https://www.mycensus.gov.my/index.php#latest-statistics-2020>.

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