

The South China Sea Conundrum: China's Strategic Culture and Malaysia's Preferred Approaches

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Abstract

China is often portrayed as benign and peaceful. Yet, its assertive disposition on the South China Sea territorial disputes appears to contradict the “peaceful rise” narrative. China’s relentless quest in strengthening features under its control and turning them into artificial islands equipped with military facilities have stoke fear of expansionism among the Southeast Asian claimant states and threatened the maritime influence and interests of the US in the region. This paper focuses on China’s strategic culture to explain its policy considerations and Malaysia’s approach in responding to changing developments following the Permanent Court of Arbitration (PCA) Tribunal ruling. The paper argues that firstly, China’s strategic stance is two-fold – to neutralize US’s regional dominance and to dissuade Southeast Asian states from their reliance on the US; and secondly, Malaysia’s preference for a non-confrontational approach that gives precedence to dialogues and consultations are insufficient in defending its sovereign interests and must therefore be aptly backed up by a more emphatic strategic posture both on the ground and in its diplomatic language.

Keywords: *China, strategic culture, South China Sea, territorial disputes, PCA Tribunal ruling, sovereign interests, Malaysia*

1. Introduction

The South China Sea disputes involving six claimants of whom Malaysia is one of them¹ continue to remain a major torn in bilateral and regional relations. Over the course of 15 years since the issuance of the ASEAN Declaration on the Conduct of Parties in the South China Sea in November 2002, practically all claimant states have beefed up their claims to islands and reefs in the South China Sea by reclaiming land, building structures and expanding runways, and in the process further strengthening their own control

over the features that they have occupied. This runs contrary to the spirit of the Declaration where all the 10 ASEAN member countries and China have officially declared “to exercise self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability” (ASEAN Website, n.d.).

In recent years, the spotlight has been trained on China owing in part to its unbending historic claims to the South China Sea and its increasing assertiveness in ensuring that its territorial sovereignty and maritime rights are safeguarded. One case in point was the placing of its HS-981 oil rig in disputed waters with Vietnam in 2014 that later sparked violent anti-Chinese protests. While Beijing is quick to defend its action and view the area as under its jurisdiction despite Hanoi’s contestation, it shows intolerance to Vietnam and the Philippines when they tried to carry out oil and gas explorations in areas claimed to be within their exclusive economic zones (EEZs). Tensions flared in 2007 and 2011 when the two countries were pressured by China to stop their activities including issuing warnings against foreign energy companies involved (Glaser, 2011). Incidences that went beyond the overlapping claims have also been recorded of late. In 2015, Malaysia was shocked to learn from reports that a 4000 ton Chinese vessel was identified near Luconia Breakers and a Chinese coast guard vessel has been anchored at Luconia Shoals, about 150 km from the coast of Sarawak, for the past two years. A year later, Indonesia’s Natuna Island came under the limelight when China responded to Indonesia’s detaining of Chinese fishermen and trawlers near the island by claiming the waters around the island as rightfully its traditional fishing ground.

Escalations of tensions in the South China Sea have been squarely blamed on China’s increasing assertive and expansionist behaviour. Chinese vessels have been reported to collude or harass neighbouring coast guard ships and fishing trawlers as well as the USNS *Impeccable* surveillance ship, and have acted on occasions to protect their countrymen’s fishing boats that have strayed into neighbouring countries’ EEZs from being detained at sea. Incidences of emboldened Chinese trawlers ramming and sinking foreign fishing vessels and a 4.5-tonne South Korean coast guard boat in disputed waters have been reported as well (Perlez, 2014; Williams, 2016). China’s active pursuit of strengthening reefs and outposts that it occupies through land reclamation activities and the building of military facilities have not only stoke apprehension in the other claimant states but also posed a strategic threat to the maritime influence and interests of the US in the region.

Is Beijing launching an offensive to disrupt the power balance in the region and substantially reduce the threat that the US has been posing to Beijing’s strategic ambitions or is it merely interested to exert its claims and defend its maritime and territorial rights based on historical arguments?

Insights to this question lie in deconstructing China's strategic culture and understanding how ideational factors play a role in affecting policy considerations. This is pivotal when discussing appropriate responses and options for Malaysia as it utilizes bilateral and regional (through ASEAN) approaches to protect its sovereign interests.

Malaysia, unlike its ASEAN counterparts who have resorted to actions, some unconventional, to check China's assertiveness – Vietnam's violent clashes with China, Philippines' unilateral decision to take China to the arbitration court to seek international legal recourse, and Indonesia's eccentric move to blow up foreign fishing vessels, has been by far the quietest and reserved in expressing its stand against China. What informs Malaysia's policy position with regards to the territorial disputes in the South China Sea? Has the 2016 arbitration court ruling strengthened Malaysia's position vis-à-vis China's? How effective is ASEAN in addressing the issue, preventing tension from escalating, and sustaining peace in the region?

To address some of the questions raised above, this paper is divided into six sections. The next section looks at China's strategic culture and its significance in explaining the South China Sea conundrum. The third section examines Malaysia's policy orientation on the issue, particularly in dealing with China's assertiveness. The fourth section analyzes the impact of the Permanent Court of Arbitration (PCA) Tribunal's Award ruling and the role of ASEAN in managing the issue. The fifth section discusses the implications of China's strategic interests and Malaysia's strategic preferences. The final section concludes the paper.

2. China's Strategic Culture in the Context of the South China Sea Dispute

China advocates often portray the Middle Kingdom as a peace-loving non-aggressive nation that can be depended upon to choose nonviolent solutions over the waging of war in resolving conflicts and its rise as a formidable economic and military power is therefore peaceful and non-threatening. This "peaceful rise" narrative is reinforced by formal efforts of the Chinese government, particularly the "China's peaceful development" policy promoted under President Hu Jintao, to allay fears of a "China threat" by proactively engaging regional countries through economic cooperation initiatives such as the China-ASEAN Free Trade Agreement (CAFTA). However, is China's strategic culture purely defensive in nature?

The "peaceful rise" narrative is also considered by Merriden Varrall of the Lowy Institute for International Policy as one of her four narratives that informs China's strategic culture. She terms it as inherent and unchanging cultural characteristics (Varrall, 2015). It is often emphasized by Chinese

leaders in their speeches to the international community. For example, President Xi Jinping in his speech at the United Nations in Geneva in January 2017 mentioned that,

First, China remains unchanged in its commitment to uphold world peace. Amity with neighbors, harmony without uniformity and peace are values cherished in the Chinese culture. *The Art of War*, a Chinese classic, begins with this observation, “The art of war is of vital importance to the State. It is a matter of life and death, a road to either survival or ruin. Hence it demands careful study.” What it means is that every effort should be made to prevent a war and great caution must be exercised when it comes to fighting a war. For several millennia, peace has been in the blood of us Chinese and a part of our DNA.

Several centuries ago, China was strong and its GDP accounted for 30% of the global total. Even then, China was never engaged in aggression or expansion. In over 100 years after the 1840 Opium War, China suffered immensely from aggression, wars and chaos. Confucius said, “Do not do to others what you do not want others to do to you.” We Chinese firmly believe that peace and stability is the only way to development and prosperity.

China has grown from a poor and weak country to the world’s second largest economy not by committing military expansion or colonial plunder, but through the hard work of its people and our efforts to uphold peace. China will never waver in its pursuit of peaceful development. No matter how strong its economy grows, China will never seek hegemony, expansion or sphere of influence. History has borne this out and will continue to do so. (Xi, 2017)

Xi’s statement would have been dismissed by Christopher Ford, author of “Realpolitik with Chinese Characteristics” (2016) and currently a Special Assistant to the President and US National Security Council Senior Director for Weapons of Mass Destruction and Counterproliferation, as propaganda. In an interview, Ford warned against being misled by “Beijing’s self-Orientalizing narrative of benevolent pacifism”, stating that “[a]t a time when China was weak, it indeed tried to act non-provocatively while working to build that strength. But this is not real pacifism; it is the prudence of a country with a clear agenda waiting for a better opportunity to act on it. As China has become stronger, it has increasingly been abandoning non-provocative postures, and seems today ever more willing to act like exactly the self-interested hegemon that official propaganda has denied it is culturally or even ‘genetically’ possible for China to be” (Wan, 2016).

Is Xi’s statement a strategic deception? According to Alastair Iain Johnston, a professor of China in World Affairs at Harvard University, the espousing of the ‘peaceful rise’ narrative would be categorized under the Confucian-Mencian or idealpolitik paradigm where strategic preferences are defensive or accommodationist. This is in contrast to the other category of

hard realpolitik or *parabellum* paradigm with offensive strategic preferences (Johnston, 1996).² Johnston defines strategic culture as “an integrated system of symbols (i.e., causal axioms, languages, analogies, metaphors, etc.) that acts to establish pervasive and long-lasting strategic preferences by formulating concepts of the role and efficacy of military force in interstate political affairs, and by clothing these conceptions with such an aura of factuality that the strategic preferences seem uniquely realistic and efficacious” and found evidences through his extensive research of a Chinese tradition of *parabellum* strategic culture (termed cultural realism) during the periods of the Ming Dynasty and Maoist China (Johnston, 1995; 1996: 222). He concludes that far from idealpolitik and contrary to popular belief, “the predominant Chinese strategic tradition does not differ radically from key elements in the Western realpolitik tradition” (Johnston, 1995; Johnston, 1996: 256). His findings imply that China is not uniquely different from Western powers as commonly perceived and is more predisposed to the use of force than popularly imagined.

Johnston's study found support from political scientist Andrew Scobell who defines strategic culture as a “set of fundamental and enduring assumptions about the role of collective violence in human affairs and the efficacy of applying force interpreted by a country's political and military elites” (Scobell, 2015: 48).³ But unlike Johnston who views the presence of Chinese idealpolitik as essentially symbolic and thus less relevant, Scobell argues that both realpolitik (offensive) and idealpolitik (defensive) characterize Chinese strategic culture because of the tendency to rationalize offensive military operations as defensive pursuits (Scobell, 2002; 2015). Chinese leaders perceive their strategic culture as defensive in nature while viewing the world via a realpolitik lens and thus consider the use of force as an instrument of defence (Scobell, 2015: 49). This view offers an explanation for why China sees a need to strengthen its control over the features that it occupy in the South China Sea: to counter what it perceives as US territorial or maritime threats exemplified by the various freedom of navigation operations (FONOPS) and joint military drill exercises with neighbouring countries who are also claimant states.

Varrall's second narrative of what motivates Chinese behaviour reinforces Scobell's argument of how China perceives the outside world. She terms it the “century of humiliation” where the Chinese are constantly reminded of the long history of humiliation suffered in the hands of foreign powers and this narrative is then used to support a national identity construction by the Party-state to claim political authority and legitimacy (Varrall, 2015: 5-6). Although China today is far from being weak, it continues to paint foreign powers in realpolitik terms and thus calls for the need to stay vigilant and sustain an active defense that includes offensive and preemptive responses

(Scobell, 2002). The 2015 White Paper on China's military strategy does not mention preemptive strike but defines active defence as "adherence to the unity of strategic defence and operational and tactical offense; adherence to the principles of defense, self-defense and post-emptive strike; and adherence to the stance that 'We will not attack unless we are attacked, but we will surely counterattack if attacked'" (White Paper, 2015). Applied to the context of the South China Sea dispute, the fortification of China-controlled features would therefore fall within the notion of strategic defence but with operational and tactical offensive capabilities.

Varrall's third and fourth narratives, namely "history as destiny" and "filial piety and familial obligation", lend credence to the "idealized discourse" within the Confucian-Mencian paradigm mentioned by Johnston (1996: 220) as they emphasize the importance of cultural symbols characterized by China's "right" to claim supremacy (albeit peacefully) as it once used to do so under the imperial tributary system, and the right to a "China dream" where China as a state is also a large family (the Chinese characters for country is made up of 国 – country and 家 – family) (Varrall, 2015: 8-10). This latter observation is not only restricted to mainland China but encompasses neighbouring regions including Southeast Asia with China playing the role of an older brother (*ibid.*: 10), perhaps resembling how Southeast Asian countries were required to pay tribute to the Middle Kingdom in recognition of its dominant position. As an older brother, China can be counted on to defend the interests of ASEAN countries but only if they could subscribe to the Confucian philosophy of filial piety. Cooperating with the US to hedge against China would logically contradict this philosophy and earn the wrath of Beijing.

While Johnston provides a convincing argument on China's hard realpolitik culture, there is still a lack of firm evidence to suggest that post-Maoist modern China aims to supersede the US, dominate the entire world and claim the throne of a global hegemon. At the same time, China's strategic behaviour does not reflect a benevolent pacifist as often portrayed in its official language. There is certainly a rich mix of idealpolitik and realpolitik in its strategic culture and its military posture of active defence would suggest that it is not reticent in its use of force including offensive tactics to defend its security interests. China's actions in the South China Sea issue could therefore be explained based on the understanding of its strategic culture as follows. Firstly, Beijing factors Washington's role in its strategic calculations even though the disputes are only between the six claimant states. This is anticipated since China's constant warning against US's interference has fallen on deaf ears and has not stopped the US from thumbing its nose and flexing its muscles on the issue, at times working with the other claimant states to bolster their defense capacities. This creates the perception of threats that

could undermine Chinese interests and heightens China's defensive posture by postulating a more assertive stance.

Secondly, China is no longer a weak and hapless nation but the second and third most powerful economy and military respectively in the world. It has the means necessary to regain its status as a strong and respected nation. Its actions in the South China Sea should be viewed within this context instead of being interpreted as steps toward a regional, if not world, domination. This is in line with Varrall's "history as destiny" narrative (2015) and Morton's related argument of China's ambition as "primarily driven by a historic mission to achieve its rightful status as a maritime nation" (2016: 911). But in claiming this historical right by actively defending its control over contested boundaries, China has undermined the legitimate interests of other claimants. Therein lays the contention between historical assertion and the preservation of established maritime order. The recent PCA ruling clearly challenges the "history as destiny" narrative when it rejects China's claims. However, it also attests to the "century of humiliation" narrative as the *People's Daily*, an official newspaper of the Chinese Communist Party (CCP), has called the ruling a "tool of political manipulation" to damage China's territorial sovereignty and maritime rights (*People's Daily*, 2016).

China's behaviour further raises the question of how effective has ASEAN become in socializing China, i.e. persuading it to subscribe to ASEAN's established norms specifically on the renunciation of the threat or use of force, a key principle in the Treaty of Amity and Cooperation (TAC) that China acceded in 2003. Observably, China's accession to the TAC or its "socialization" through cooperative processes has neither contributed to the reduction of tensions in the South China Sea nor prevented the Philippines from seeing a dire need to seek international legal recourse.

3. Malaysia's Policy Orientation on the South China Sea Issue

Malaysia's position on the South China Sea dispute rests on a number of factors perhaps similar in some respects to other claimant states. They are the health of Sino-Malaysian relations, the level or degree of the disputes, and the conditions of its domestic political economy. The historical factor argument that Malaysia is the first country in Southeast Asia to establish diplomatic relations with China and therefore Putrajaya enjoys a "special political relationship" with Beijing unparalleled by other claimant states has often been noted by some media and scholars in explaining Malaysia's cordial relationship with China compared to Vietnam's and the Philippines'. However, this narrative is at best a mere proposition. While "the ruling elite in Kuala Lumpur have been convinced that they have a 'special relationship' with Beijing" as remarked by Gregory Poling of US's Center for Strategic

and International Studies (CSIS) (quoted in Jennings, 2016), whether Beijing shares the same belief is anything but clear.

Malaysia maintains a healthy political relationship with China due to the former practicing a non-antagonistic policy towards the latter. Malaysia is aware of its status as a small state and understands that its power capabilities are limited. Political and economic stabilities are important as it aims to achieve its Vision 2020 of becoming a developed nation by 2020. It thus takes a more pragmatic approach by exercising a higher tolerance level when dealing with China's assertiveness and placing greater emphasis on diplomacy and the rule of law. The latter point is reflected in a recent op-ed piece by Malaysian Prime Minister Najib Razak where he wrote that, "When it comes to the South China Sea, we firmly believe that overlapping territorial and maritime disputes should be managed calmly and rationally through dialogue, in accordance with the rule of law and peaceful negotiations" (Razak, 2016). Obviously, this pragmatism is largely realized by the lower level or degree of disputes Malaysia have with China in comparison to its fellow ASEANists – Vietnam and the Philippines. This pragmatic approach is further supported by the ability to carry out discussions behind closed doors and away from public debates that could otherwise fan nationalist emotions like in Vietnam, the Philippines and China, and "complicate ongoing diplomatic efforts by hardening positions" (Noor, 2016: 210).⁴

Geographically, the disputed islands that Malaysia controls are situated relatively further South and away from mainland China. Land reclamation, building of civil and military outposts, and the oil rig and Scarborough shoal incidences as well as reported clashes between coast guards at sea have yet to involve Malaysia. The issues of harassment of Malaysian fishermen, surveillance activities by Chinese vessels in Malaysian waters, and encroachment of Chinese fishing boats into Malaysian waters have not led to any strong retaliation from Putrajaya beyond the registering of official protests with Beijing and the summoning of China's ambassador to Malaysia.⁵ Arguably, Malaysia has yet to encounter the level of distress that beset Vietnam and the Philippines due to their geographical proximity to China. As Poling observed, "Malaysia has been more hesitant to push back forcefully against China, partially because the Philippines and Vietnam have been a useful buffer, soaking up so much of China's bullying over the last few years" (quoted in Jennings, 2016). This could well explain Malaysia's position of promoting multilateral platforms such as ASEAN as the best avenue to address and more importantly manage the South China Sea issue in a peaceful manner. Malaysia has been a strong proponent of the ASEAN code of conduct and tends to favour collective resolve on security matters.

Economic wise, Malaysia realizes it needs China to maintain its economic growth. Figures have shown that bilateral trade and investment between

the two nations are very strong. China is Malaysia's number one trading partner since 2009 with two way trade volume for January to November 2016 totalling RM216.27 billion (USD48.67 billion). Antagonizing China could cause a backlash on Malaysia's economy which is already facing weak currency exchange, lower oil prices and heavy debts owed by its state fund – 1Malaysia Development Berhad (1MDB). With foreign direct investments (FDIs) from the West becoming less available due in part to investigations on the 1MDB scandal being carried out in Switzerland, the US and Singapore, critics argue that Prime Minister Najib Razak does not have much option but to turn to cash-rich China for help (Jaipragas, 2016). Najib, however, registered his displeasure at Western powers when he opined in a Chinese government owned newspaper that “former colonial powers” should not “lecture countries they once exploited on how to conduct their own internal affairs today” (Razak, 2016), a move perhaps to signal to his Western counterparts that Malaysia can rely on China and need not kowtow to the self-righteous West in order to receive their investments.

Najib's remarks came at a time when Chinese state-owned enterprises have agreed to purchase assets belonging to 1MDB, thus raising the question of whether China is helping to ease some of 1MDB's burgeoning debts. China General Nuclear Power Corporation recently bought 1MDB's energy assets under Edra Global Energy Bhd for RM9.83 billion (USD2.25 billion) and China Railway Engineering Corporation (CREC) will be partnering with Iskandar Waterfront Holdings (IWH) to purchase a 60% stake in a real-estate mega project called Bandar Malaysia from 1MDB for RM7.42 billion (USD1.7 billion) that will likely serve as the main hub for the proposed Kuala-Lumpur-Singapore high speed rail project (Zahid, 2015).⁶ Najib's visit to China in November 2016 has further secured fresh foreign direct investments totaling RM144 billion (USD33 billion) that included a RM55 billion (USD12.6 billion) deal to build the East Coast Rail Link (ECRL) and a first ever military purchase of four Chinese littoral mission ships – two to be built by China and two by Malaysia. China has become a major contributor to FDI in Malaysia. Chinese investments in 2015 stood at RM1.87 billion (USD428.4 million) and rose to RM2.50 billion (USD572.8 million) in Jan-Sept 2016 (MIDA Official Website). FDI inflow is an important scorecard for the government as it needs to continuously generate jobs, maintain growth of the export-oriented economy, and uplift the population's standard of living particularly when the next general election is looming near.

Whether this “pivot” to China, economically and possibly militarily, will compromise Malaysia's territorial claims in the South China Sea or affect its policy vis-à-vis Japan and the US that have called for China to scale back its activities in the South China Sea remains to be seen. It is, however, a cause for concern primarily because Malaysia, according to retired Malaysian

ambassador Dennis Ignatius, does not have a “coherent strategy in place to deal with [China’s assertiveness]” in the South China Sea (Ignatius, 2017). He argues that “it does not help that we look to the very country that challenges our sovereignty to defend it or cozy up to the very navy that intrudes into our waters and harasses our fishermen” (*ibid.*). In Parliament, Najib stated that the government will not compromise and allow the territorial sovereignty of the country to be trampled upon (*The Malaysian Reserve*, 2017). But without a coherent strategy, too much dependence on China could put into doubt the country’s level of dependability when its support is needed in efforts directed at pressuring China to back off from its overarching claims.⁷

4. The Permanent Court of Arbitration (PCA) Ruling and the Role of ASEAN

The PCA tribunal on the South China Sea case involving the Philippines and China was as important to the other ASEAN states (claimants and non-claimants) as it was to the Philippines. From a small state perspective, international law can serve as a legitimate line of defence against powerful states who flex their muscles because of its ability to depict the strong state as a “bully” and be used to rally support from the international community. Although Malaysia was not a party, its support for the tribunal’s process can be witnessed from its participation in the proceedings as an observer. Malaysia is as concerned as the Philippines since the outcome of the ruling will have implications for the country as well. A nullification of China’s 9-dash line claim would automatically remove Malaysia’s overlapping territorial and maritime claims with China.⁸ So, how did Malaysia view the ruling and its importance to ASEAN?

Malaysia was careful in wording its official statement released by its Ministry of Foreign Affairs following the decision of the PCA tribunal on 12th July 2016. Instead of following the Philippines and Vietnam in using the word “welcome”, the word “notes” was used, as in “to take note”, in acknowledging the tribunal’s decision; conceivably to take into consideration the sensitivities of parties involved and to show impartiality. The statement reiterated Malaysia’s position that “it is fully committed and calls on all parties to ensure the full and effective implementation of the Declaration on the Conduct of Parties in the South China Sea (DOC) in its entirety; and the early conclusion of a Code of Conduct in the South China Sea (COC) as agreed between China and ASEAN countries” (MOFA Malaysia, 2016). It reflected Malaysia’s cautious and accommodationist behaviour, which is visibly in accordance with its non-confrontational approach towards China.

The tribunal award⁹ that ruled in favour of the Philippines is important for Malaysia for two particular reasons. Firstly, instead of using the ruling to

push China into a corner, it saw the verdict as a further boost¹⁰ to get Beijing to return to the negotiation table under the established ASEAN framework, i.e. to reaffirm the significance of the DOC and speed up the realization of a COC, and to subsequently downplay China's insistence on separate bilateral negotiations. Secondly, the ruling will strengthen ASEAN's collective position on addressing the disputes in a peaceful manner. The same statement further reads, "Malaysia believes that all relevant parties can peacefully resolve disputes by full respect for diplomatic and legal processes, and relevant international law and 1982 UNCLOS" (*ibid.*).

A similar phrase appeared as well in the Joint Communiqué of the 49th ASEAN Foreign Ministers' Meeting (AMM) on 24th July 2016 in Vientiane, although not under the sub-heading of "South China Sea" but in paragraph two under "ASEAN Community Vision 2025" (AMM, 2016). The phrase "full respect for legal and diplomatic processes" was likely intended to remind China to fully respect the international law and established practices. The repositioning of the phrase was made to accommodate Cambodia who viewed the tribunal's ruling as a "political conspiracy" against China and had blocked any efforts of mentioning the PCA ruling in the communiqué as it did not want to join its ASEAN counterparts in adopting a common position (Sokheng, 2016; Mogato, Martina and Blanchard, 2016). Interestingly, however, it did not join Pakistan, China and Taiwan in officially rejecting the tribunal's findings.

ASEAN's efforts in overcoming internal and external obstacles to come together and express their joint stand on the South China Sea issue deserve commendation. Internally, the grouping has failed to issue a joint statement in 2012 due to Cambodia's actions in blocking criticisms against China. Externally, China has tried to drive a wedge into ASEAN by getting three ASEAN countries, namely Brunei, Cambodia and Laos, to support its position that the territorial disputes should be resolved among claimant states through bilateral negotiations (Miller, 2016). Complications also surfaced at a Malaysian proposed Special ASEAN-China Foreign Ministers' Meeting in Kunming in June 2016 that highlighted poor coordination in issuing statements on the ASEAN side and failed to produce any outcomes on the South China Sea problem (Tang, 2016).

Following the AMM's joint communiqué, a few joint statements by ASEAN and China were issued where both reaffirmed their commitment to the full and effective implementation of the DOC and the CUES (Code for Unplanned Encounters at Sea), and agreed to adopt China's proposal on guidelines for senior diplomatic officials' communication hotline platform to respond to maritime emergencies (which will complement the communication hotline established by ASEAN defence ministers in 2015) and complete the COC consultations by the middle of 2017. These steps are no doubt important

in enhancing confidence, reducing risks of conflicts and clashes at sea, building political trust among parties involved and setting the stage for more practical maritime cooperation. They may also give the impression that China has softened its stance.

However, such developments do not address or alter China's core interests. Calling the PCA judgment a "political farce under the pretext of law" (quoted in Beech, 2016), China still maintains its claim to the South China Sea based on its 9-dash line and historical arguments as well as its strong conviction over the islands and reefs that it has so far occupied and those that it haven't but deemed as part of China's territorial sovereignty. It would be unthinkable that China is prepared to peacefully abdicate its control over Mischief Reef, for example, that it has heavily constructed and militarily fortified because the tribunal has ruled the artificial island to form part of the Philippines' exclusive economic zone. The recent developments related to the DOC and COC may help to alleviate some of ASEAN members' apprehensions especially in light of the PCA award but will do little to change China's sovereign claims in any way, shape or form.

China's position is very clear. Its official policy on maritime cooperation firmly states that "China has *indisputable sovereignty* over the Nansha Islands and their adjacent waters.... No effort to internationalize and judicialize the South China Sea issue will be of any avail for its resolution; it will only make it harder to resolve the issue, and endanger regional peace and stability" (MOFA China, 2017; emphasis added). This is reinforced by on the ground activities with the construction of military related structures in all seven of its artificial islands. Satellite images have revealed the presence of aircraft hangars, missile shelters, point defense structures, radar or communication facilities and underground storage facilities (AMTI, 2017). These undertakings are in tandem with its active defence doctrine and display its seriousness in fulfilling its strategic ambition.

Arguably, the DOC reflects China's strategy to appease the concerns of its Southern neighbours and project a more Confucian-Mencian behaviour by keeping the dialogue channel open and hopefully reduce its neighbours' reliance on external powers such as the US for support that could disrupt China's defense buildup plans in the South China Sea. The DOC's significance in managing peace in the South China Sea is dependent on the COC, which has not been forthcoming. The Philippines, as the current host of ASEAN, has pledged to make the COC agenda as one of its key priorities. In May 2017, it was reported that China and ASEAN have agreed on an initial framework for how the COC document should be structured (Blanchard, 2017). Considering that the DOC has been in existence for over a decade, the exceptionally slow progress is disappointing. Yet, even if the COC is finally realized, it is doubtful that it will resolve the territorial rights

or claims in ways that the PCA has done. ASEAN should have capitalized on the tribunal's ruling by issuing a joint statement to express its solidarity and support for the Philippines' unilateral action and the importance of upholding international law, which is in line with its Charter. This would have improved ASEAN's bargaining power vis-à-vis China's. In addition, a shift in the Philippines' position on the South China Sea due to a change in presidency has further diluted the effects of the ruling with President Rodrigo Duterte setting aside the award in favour of closer economic ties with – and support for his war on drugs from – China.

Hence, it is highly unlikely that ASEAN or more specifically the COC that Malaysia is pushing for is capable of constraining China's strategic ambition since Beijing will readily oppose any efforts that hamper it from exercising its claims. The regional organization's inability to project a united front and continues to be subjected to external power-play speaks volume of its ineffectiveness in dealing with critical security concerns like the South China Sea issue. The fact remains that none of the international laws and norms such as UNCLOS, the 2002 DOC or the specific PCA ruling have stopped China from further solidifying its control and strategic interests in the South China Sea. Observers such as Sir Angus Houston, former chief of the Australian Defence Force, have opined that it is too late to do so (Fernando, 2017). It is hence apprehensible that Indonesia, a non-claimant small state, has unilaterally renamed part of the South China Sea as the North Natuna Sea and in so doing joins Vietnam and the Philippines in exerting its sovereignty against China's historic claims (Allard and Munthe, 2017).¹¹

5. The Implications of China's Strategic Interests and Malaysia's Strategic Preferences

China's strategic position on the South China Sea issue premises on a “dual-track approach” as reiterated by its Foreign Minister Wang Yi, whereby any overlapping claims ought to be addressed peacefully through bilateral channels only by the claimant states, and the regional role in maintaining peace in the South China Sea should fall on China and ASEAN under the guidance of the DOC (MOFA China, 2016). It is a strategy that aims to prevent the issue from being internationalized by allowing Beijing to maintain an upper hand and keep external powers, primarily the US, Japan, Australia and India, out of the issue. Although these countries do not have any territorial claims in the dispute, they have keenly voiced concerns over China's active land reclamation activities and militarization of its occupied features as a threat to the freedom of navigation on the seas and in the air. China has maintained that it is not against the freedom of commercial navigation but military operations that aim to challenge China's sovereign claims.

With the South China Sea serving as critical sea lines of communication, these countries do not share China's view but see the dispute as an international concern. The PCA ruling was thus instructive for them with Tokyo and Washington describing the outcome as "final and legally binding" (*Rappler*, 2016). This came on top of an unprecedented joint statement by India and Japan in December 2015 calling states to "avoid unilateral actions that could lead to tensions" in the South China Sea and an official statement on maritime security issued by the G7 Foreign Ministers in April 2016 expressing their "strong opposition to any intimidating, coercive or provocative unilateral actions that could alter the status quo and increase tensions..." (G7, 2016).

Criticisms from external powers should therefore be viewed within a wider context where China's actions in the South China Sea undermine established international laws and norms. It is not only about violations of another country's sovereign rights but more importantly of the concern that China will seek to unilaterally alter the current world order that the Western powers have painstakingly built and greatly benefited. This is reflective in Japanese Prime Minister Shinzo Abe's 2013 address on the "Five New Principles for Japanese Diplomacy" at the 40th Year of Japan-ASEAN Relations in Jakarta, mentioning "that the seas, which are the most vital commons to us all, are governed by laws and rules, not by might" (MOFA Japan, 2013). A major purpose of these powers in engaging ASEAN and its member countries is hence to build capacity, instill shared values and counter China's influence, in order to uphold the existing international norms and practices.

China's active defence culture and its preparedness to use force to defend its strategic interests in the South China Sea as well as the severe limitations of the DOC and the PCA ruling in impacting Chinese behaviour do leave very few strategic options for Malaysia to pursue. Malaysia's strategic preference has always been to push for a concerted effort under the banner of ASEAN. Putrajaya subscribes to the notion that an ASEAN with a united stance on the South China Sea issue will prevent Sino-US power rivalry from tearing the region apart or use its member countries as pawns in a zero-sum game. Malaysia is reluctant to take sides, preferring instead to subscribe to the rule of law and the ASEAN process to deal with China's assertiveness.

Unless China launches a military invasion to wrest control of Malaysia's controlled features, Putrajaya will unlikely make a major shift from its non-confrontational approach. This means that; firstly, Malaysia will continue to champion multilateral cooperation through regional and international platforms, especially the significance of ASEAN in realizing the COC. Malaysia is aware that the COC may not fully resolve the long-standing dispute but strongly believes in its importance in providing badly needed regional governance. Secondly, Malaysia will stay clear from aligning or

bandwagoning with the US or China. Malaysia's foreign policy is premised on non-alignment and enduring friendship with both the US and China (Noor, 2016: 216). Thirdly, Malaysia will continue to give precedence to diplomacy as the ineffectiveness of the PCA ruling in affecting a positive change highlights legal recourse as an unattractive option.

Putrajaya is however concerned with recent reports about China's militarization activities. It is firmly against any moves to further militarize the South China Sea. Apart from China, reports have also indicated that Vietnam could be discreetly fortifying a few of its occupied features with "new mobile rocket launchers capable of striking China's runways and military installations" and carrying out new dredging works on its controlled Ladd Reef (or Riji reef in Chinese) as a possible step to the construction of an artificial island to bolster its claims (Torode, 2016; Feast and Torode, 2016). Malaysia's objection to an increase in militarization activities is therefore premised on the concern that it will not only threaten Malaysia's territorial sovereignty but also create a downward spiral effect where other claimant states are forced to follow suit. Malaysia's Defense Minister Hishammuddin Hussein acknowledges that his two main concerns are "accidental and unintended incidents in the high seas and the increase in militarisation from any country" (*The Straits Times*, 2016b).

Hishammuddin Hussein's keynote speech at the International Institute for Strategic Studies Fullerton Forum in January 2017 encapsulates Malaysia's strategic thinking.

Malaysia for its part, firmly and unequivocally believes that this dispute can only be resolved through diplomacy and via multi-lateral institution such as ASEAN. We must also look beyond tired and childish notions of "winners" and "losers" for the simple fact that peace is a universal good and not a zero-sum game.

There has been as of late, a regrettable tendency to pigeon hole foreign relations in Asia Pacific as a series of false dichotomies. We are apparently being forced to choose the East or West, between China or the United States, between liberalism and populism. However, this goes against Asia's unique tradition of pluralism where different cultures, faiths and belief systems were able to co-exist and thrive for centuries. Securing the peace in our time, will require us to regain and enshrine this tradition in everything we do. Malaysia – whose DNA bears the best trace of moderation and pluralism – will always champion these sentiments in our dealings with the world. (Hussein, 2017)

The absence of a unified ASEAN position means that Malaysia still needs to consider the roles played by external powers, predominantly the US, as important in balancing against China. Hussein has reportedly stated that he welcomes US's FONOPS in the South China Sea as long as it does not cause an increase in tension (Moss, 2015). US FONOPS is important and should be

supported if its role is to uphold the PCA ruling and ensure that the sovereign rights of the other claimant states are equally protected. Nevertheless, the actual intention of FONOPS remains ambiguous. Are FONOPS meant to preserve the right of innocent passage as provided for under UNCLOS or to monitor China's military development? Some scholars have argued that US's real concern has been with the perceived threat to its freedom to conduct military operations in China's EEZ (Bateman, 2015; Valencia, 2016). Remarks from US Secretary of State Rex Tillerson at his Senate confirmation hearing in January 2017 that he wants China to stop the island construction and be denied access to the features it occupy further reaffirms China's long held suspicion over US's FONOPS. Tillerson's assertion is logically only possible with the use of force, which will undoubtedly trigger a retaliatory response from China.

Moreover, US's unclear policy on East and Southeast Asia under the new Trump administration has not instilled confidence in ASEAN countries. An online survey conducted by the ASEAN Studies Centre at ISEAS-Yusof Ishak Institute in Singapore in April 2017 found that 43.4 per cent of the respondents see the US as "disinterested" in Southeast Asia and 51.4 per cent think that the US has lost strategic ground to China since Trump took office (ASEAN Focus, 2017: 12-13). President Trump's decision to withdraw the US from the Trans-Pacific Partnership (TPP) agreement has further disappointed Malaysia and other TPP member countries and put into question the permanence of US's pivot to Asia. The US under Trump's leadership is increasingly viewed as unreliable.

US's tilt towards a more confrontational approach in dealing with China does not bode well for Southeast Asian countries who are against Washington's move to antagonize Beijing. The Philippines, under Duterte's leadership, has distanced itself from its overreliance on the US in favour of stronger dialogue and diplomacy with China while Malaysia considers military actions provoking China as counterproductive and will be very concerned if a confrontational attitude takes shape in Washington designed to contain China. None of the Southeast Asian claimant states appears to be advocating a zero-sum game in resolving the territorial dispute.

In moving forward, Malaysia should carefully reassess its defence capabilities and take necessary steps to reinforce its defences over the features that it currently occupies. A non-antagonistic approach that maintains a strong active defence coupled by a non-aligned policy while working with the US and China through joint military exercises should inform Malaysia's strategic posture. A rigorous patrol and surveillance capabilities will not only prevent embarrassing incidents like the Luconia Shoals from repeating but also the encroachment of foreign fishing vessels into Malaysian waters.

Bilateral and regional dialogues, the rule of law, and the realization of a unified ASEAN position and the COC are long term efforts that Malaysia should continuously stress.

6. Conclusion

The South China Sea issue is unquestionably complicated. The challenge is on how to uphold the rule of law, avoid conflict and work with China to find an amicable solution. Complications arise due to China's strategic culture that informs its strategic preference for active defence, which does not rule out the use of offensive tactics. This "defence-offensive" posture is motivated by its strategic ambition to reclaim its "rightful" place on one hand and the perceived threat from US interference on the other. The perceived US hostility that bent on thwarting Beijing's ambition is aptly factored into its strategic calculations. It is even prepared to discredit the PCA ruling as a Western ploy in order to defend its historic claims and counter any efforts aimed at suppressing and containing its rise. China's assertiveness and its militarization plans in the South China Sea are therefore a necessity to neutralize US's long-held hegemonic power in the region and demonstrate to the Southeast Asian states the undesirability of aligning with external powers to frustrate Beijing. Beijing is beyond doubt resolute in protecting its strategic interests and achieving its stated ambition.

This understanding of China's strategic interests explains why ASEAN has been ineffective in finding a regional solution to the issue. The DOC has contributed little to lessen tensions and the COC, even if realized, will not reverse the damages caused by the unlawful construction of artificial islands and facilities for military purposes. The COC will at best provide governance to the management of the high seas by establishing agreed mechanisms to manage incidences. Malaysia has been a strong advocate of this and should continue to work for its realization. Rallying ASEAN countries to stand united with a single voice is unfortunately much tougher to achieve due in part to vested national interests overshadowing collective regional good.

Malaysia cannot afford to be complacent or believe to enjoy "special treatment" from China. Putrajaya must instead take cognizance of changes in the South China Sea and project a more emphatic behaviour in protecting its strategic interests and preserving its sovereign integrity. Increased activism should be characterized by more advanced surveillance and intelligence systems, improved coordination between enforcement agencies, the deployment of military assets and more frequent patrolling around its controlled features. Malaysia should at the same time remain heedful of China's economic diplomacy and ensure that it does not affirm Varrall's fourth

narrative by unwittingly subordinating its interests to China's or falling into Beijing's sphere of influence.

Notes

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1. The other five claimants are China, Taiwan, Philippines, Brunei and Vietnam.
 2. Accommodationist, defensive and offensive form the three dimensions of Johnston's central paradigm and are ranked strategic preferences instead of mere options (Johnston, 1996: 224).
 3. Other scholars who support Johnston's analysis of China's strategic culture include Warren Cohen, an emeritus professor of American diplomatic history at University of Maryland. Cohen (1997) believes that a powerful China in the 21st century will likely be aggressive and expansionist.
 4. This, however, should not imply that the absence or lack of public debate results in the softening of position. As an example, the Indonesian government has been steadfast in defending its interests in the South China Sea despite the lack of active public discourse.
 5. In March 2016, it was reported that the Malaysian Maritime Enforcement Agency (MMEA) detected about 100 Chinese fishing boats accompanied by Chinese coast guard vessels encroached into Malaysian waters off the state of Sarawak (*The Straits Times*, 2016a).
 6. The Bandar Malaysia deal has unfortunately collapsed. The likely reasons were the imposition of capital controls by China, Beijing's perceived outlook towards the rail project, and the increased worth of the land parcel (Naidu, 2017).
 7. Former Prime Minister Mahathir Mohamad recently voiced his concerns that huge loans from China for large scale infrastructure projects will adversely affect Malaysia's sovereign claims in the South China Sea (*The Straits Times*, 2016c).
 8. China claims the South China Sea area within the 9-dash line as its traditional fishing ground.
 9. The tribunal found, among others, no legal basis for China's claim to historic rights within the 9-dash line area, all of the high-tide features in the Spratly Islands are "rocks" and therefore do not generate an exclusive economic zone, and China's claim to several features were unlawful and thus violated the Philippines' sovereign rights. For details of the award, see PCA (2016).
 10. Both Putrajaya and Beijing have already agreed to address concerns in the South China Sea through the DOC prior to the verdict (*The Sun Daily*, 2016).
 11. Vietnam refers to the South China Sea as the East Sea while the Philippines renamed part of the South China Sea as the West Philippine Sea.

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