

Pulau Layang-Layang in Malaysia’s South China Sea Policy: Sovereignty Meets Geopolitical Reality amid China–U.S. Rivalry

*Lai Yew Meng**, *Kuik Cheng-Chwee*** and *Amy Azuan Abdullah****

*Universiti Malaysia Sabah

**National University of Malaysia (UKM)

***Universiti Malaysia Sabah

Abstract

Pulau Layang-Layang (Swallow Reef) is central to Malaysia’s South China Sea policy. First, the “island” is the first of five features in the South China Sea occupied by Malaysia. Second, since 1983, by exercising exclusive and effective control over Layang Layang, Malaysia has displayed its sovereignty and jurisdiction over the area. Third, with a Malaysian naval station and airstrip, Layang-Layang is Malaysia’s most valuable strategic asset in the South China Sea. Drawing on archival materials and open sources, this paper traces Malaysia’s policy actions vis-à-vis Pulau Layang-Layang, before unpacking the features and factors underpinning the smaller state’s multi-pronged approaches towards the South China Sea disputes. We argue that Malaysia’s policies regarding Pulau Layang-Layang and the broader South China Sea issue have been and will continue to be driven by small-state pragmatism to balance national sovereignty and geopolitical reality amid the growing U.S.–China rivalry.

Keywords: *Malaysia, South China Sea, Pulau Layang-Layang, sovereignty, China*

1. Introduction

Malaysia is one of six claimants – the others are Brunei, the Philippines, Vietnam, China and Taiwan – in the South China Sea (SCS) disputes. Of the four Southeast Asian claimants, much have been written on the Philippines and Vietnam’s SCS policies but relatively less on Malaysia’s and Brunei’s positions. The majority of studies on Malaysia’s SCS policies have approached the subject as part of Malaysia’s broader maritime and territorial

policies or Malaysia's approaches to big-power politics (for instance, Finkbeiner, 2013; Hamzah, 1990, 2014; Kuik, 2013; Lai and Kuik, 2021; Leong, 2020; Mak, 2004, 2009; Ngeow, 2020; Parameswaran, 2015; Permal, 2016, 2020; Uras, 2017). Few studies have focused specifically on Malaysia's claimed and occupied features in the SCS (exceptions include: Hamzah et al., 2020; Nizam, 2012; Roach, 2014; Sebastian, 2020). Even fewer studies, if at all, have focused on one single occupied feature.

This paper fills this gap by focusing on Malaysia's policies towards *Pulau Layang-Layang*, or Swallow Reef, one of the hundreds of maritime-terrestrial features in the Spratly archipelago in the SCS.¹ Of the areas in the Spratly archipelago claimed by Malaysia, Layang-Layang is the first feature occupied by Malaysia, following a landing mission by Royal Malaysian Navy (RMN) personnel on 5 May 1983. Malaysia then established its naval station "Lima" on Layang-Layang on 17 April 1984. Naval stations and permanent presence were subsequently established on *Terumbu Ubi* (Ardasier Reef) and *Terumbu Mantanani* (Mariveles Reef) in 1986 (16 April and 3 November, respectively), and finally, *Terumbu Peninjau* (Investigator Reef) and *Terumbu Siput* (Erica Reef) on 24 April 1999.²

Among these features, Pulau Layang-Layang is the largest in terms of build-up of the station and the physical size after reclamation. Since then, Malaysia has exercised exclusive control over Pulau Layang-Layang and the other features, thus displaying its sovereignty and jurisdiction. Being on the outer limits of Malaysia's presence in the SCS, Pulau Layang-Layang is of great strategic importance. Originally a *terumbu* (reef) and later categorised by the Malaysian authorities as a "*pulau*" (island), the present landmass of Layang-Layang has been partially reclaimed. In addition to the RMN station, Layang-Layang also houses a marine research facility, an 86-room diving resort, and a 1.368 km airstrip capable of landing a large transport plane (Roach, 2014: 10; see also Lai, 2015; Nasir and Dahalan, 2017; Rahman et al., 2018).

The paper proceeds in five parts. The first offers a brief historical overview and geographical description of Layang-Layang. The second discusses the many values of "islands" to maritime nations, before detailing Pulau Layang-Layang's strategic and economic importance to Malaysia. (Hence, despite the July 2016 ruling by the arbitral tribunal in The Hague that none of the features in the Spratlys can be categorised as an "island" because none of them can sustain a human community without external aid, Layang-Layang is still commonly as well as "officially" referred to as an "island" in Malaysia.) The third traces the origins and development of Malaysia's multi-pronged statecraft in establishing and exercising its sovereignty over Pulau Layang-Layang. The fourth analyses how and why geopolitical reality has

shaped and constrained Malaysia's policy options in defending its sovereignty over Pulau Layang-Layang and other claimed areas in the SCS. The fifth section concludes by arguing that the ways and extent to which Malaysia defends its sovereignty in the disputed waters are a function of small-state pragmatism in navigating and adapting to the escalating big-power rivalry and deepening international uncertainties, with an eye to maximizing its interests and minimizing risks for as long as possible.

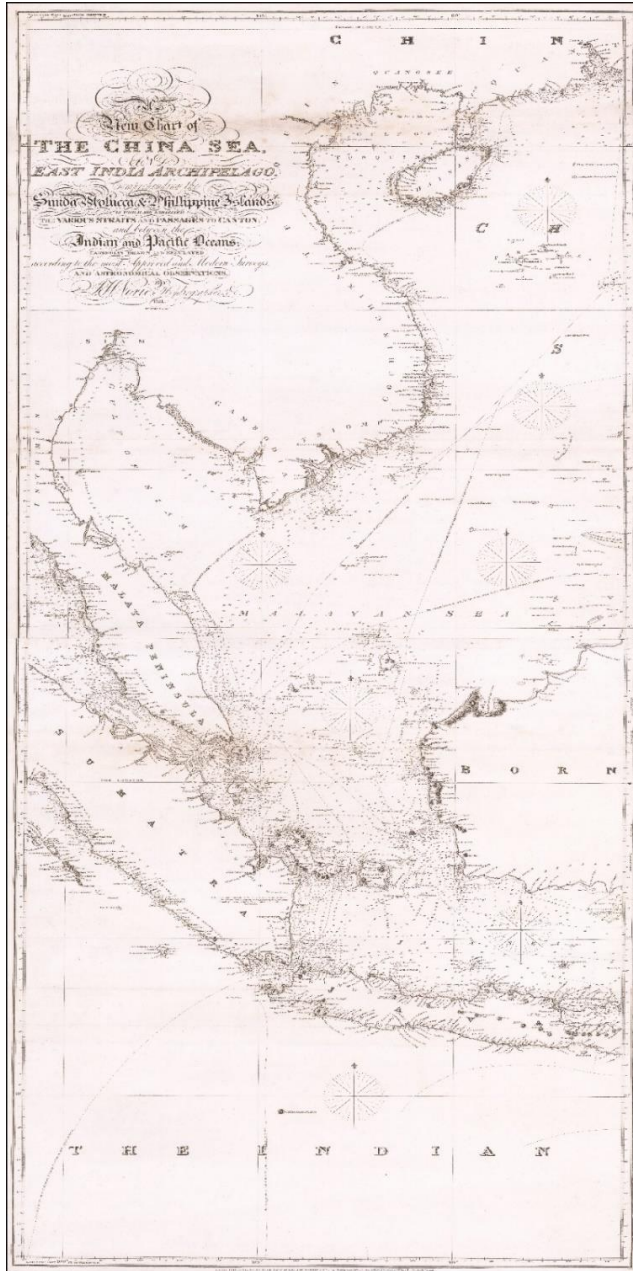
2. Decoding History and Geography

Layang-Layang or Swallow Reef derived its name from the British vessel, *Swallow*, which discovered the feature in 1801. The discovery was based on John William Norie (1821)'s and James Horsburgh (1821, 1843)'s hydrographical and cartographical records. The January 1821 Norie map is among the earliest maps to plot most features in the Spratly Islands. Norie referred to the waters between Tsiompa, the Malaya Peninsula and Borneo as the "Malayan Sea" (see Figure 1). He did not consider the entire sea to be the China Sea. This provides a novel historical perspective regarding the naming of the maritime area. Norie's perspective and map, however, were challenged ten months later in October 1821 by Horsburgh, who published a map of the "China Sea" in two parts. Horsburgh's map used the term "China Sea" differently from Norie's map.³ Nevertheless, these two European cartographers are regarded as the first Europeans to successfully plot all the early features found in the Paracel Islands and Spratly Islands.

Although Layang-Layang was initially named "Swallow Rocks" (Horsburgh, 1821, 1843; Norie, 1821), there were other cartographies which plotted the feature as an "Island." For instance, F.A. Garnier's map, *Archipels des Iles de la Sonde et des Iles Philippines*, arguably the first one, labelled the feature as "Island," followed by Adam and Charles Black's (1873) and J. W. Stemfoort (1885) maps, which classified it as "Swallow I," equivalent to "Mengaloon I" and "Mantanani I" that were essentially "islands" located off the shores of then North Borneo. Meanwhile, Dutch sources such as *Kaart van het eiland Borneo* (Map of the island of Borneo) also plotted the feature as "Island" based on the symbol "E." or "P." after the name, which indicates *Eiland* or *Poelau* ("island" in the Malay/Nusantara language), respectively, to differentiate such marine-terrestrial features from coral reefs and shoals. Among the Spratly features labelled similarly on the map were Louisa E., Royal Charlotte E., Swallow E., and P. Amboina (Topographisch Bureau te Batavia, 1902).

To date, no historical record about Layang-Layang or Swallow Reef specifically has been discovered. Archival documents, in the form of reports,

Figure 1: The Malayan Sea and The China Sea in John William Norie's 1821 Map



Source: Norie (1821).

memorandums, grant leases and permits, exist indicating such economic activities as the harvesting of guano in the vicinity of Spratly Island and Amboyna Cay by the Labuan-based British Central Borneo Company in the late nineteenth century (see FO 881/5740; FO 881/5741; CO 144/66; FCO 881/5741). The archival documents include a memorandum granting a lease to the Central Borneo Company to “work the Guano on Spratly Island and Amboyna Cay”, dated 30 November 1888 (FO 881/5740), a memorandum on the “Intention of the Central Borneo Company to exploit guano from Sprattley Island and Amboyna Cay” dated 6 August 1888 (CO 144/66), and a memorandum by Sir E. Hertslet dated 3 January 1878, stating “he did not find that any foreign government had officially claimed the sovereignty over those island” (FO 881/5741).

The apparent absence or lack of historical records suggests that Layang-Layang is *terra nullius* (Latin for “nobody’s land”), a legally unoccupied or uninhabited land. The mentioned archival documents point to a portion of the Spratly archipelago (including Spratly Island, Amboyna Cay and possibly Swallow Reef/Island) being located within the maritime areas under British jurisdiction during the 1880s. In fact, the “nobody’s land” argument has been substantiated by the *res nullius* (Latin for “that which belongs to no one”) status of the Spratly archipelago (comprising Layang-Layang/Swallow Reef), following Japan’s renouncement of sovereignty over the territories it had previously occupied during the Second World War, as inferred in the San Francisco Treaty of 1951. Japan’s relinquishing of its wartime occupied SCS territories without any special beneficiary rendered these *res nullius* features available for annexation, which Malaysia did when it physically occupied and appropriated Layang-Layang in 1983. More recent archival records include geological survey reports suggesting continuous British jurisdiction over Spratly, Amboyna, and Swallow Reef and oil prospecting licenses issued by the Governor of the Colony of North Borneo in the related maritime vicinity (Geological Survey Department, 1963; The Chief Minister of the State of Sabah and Oceanic Exploration and Development Corporation, 1969).

Geographically, Layang-Layang is an oceanic coral atoll developed on top of a seamount located at the southern corner of the Spratly archipelago. It is approximately 152 nautical miles (nm) northwest of the Sabah region of Bornean Malaysia and just under 200 nm southwest of the Philippines’ Palawan island. The closest shallow geographical features are the *Terumbu Laya* (Dallas Reef) and *Terumbu Ubi* (Ardasier Reef), located just over 14 nm north of Layang-Layang (Asner et al., 2017; Coral Reef Initiative for the South Pacific, 2014; see also Geological Survey Department, 1963: 133).

Layang-Layang, also known as Celerio Reef in the Philippines, *Dá Hoa Lau* in Vietnam, and *Danwan Jiao* 弹丸礁 in China and 彈丸礁 in Taiwan, which appears almost 2000 metres from the ocean floor, is located at coordinates 7°22'20"N 113°50'43"E (Asia Maritime Transparency Initiative, 2021). Layang-Layang is part of the Malaysian continental shelf extending from the landmass of Sabah state (Abdullah, 2004; Nasir and Dahalan, 2017), despite the Northwest Borneo Trough which appears to “separate” this oceanic atoll from the Sabah continental shelf (Hutchison, 2010). It is situated well within Malaysia’s 200 nm Exclusive Economic Zone (EEZ), as defined by the United Nations Convention on the Law of the Sea (UNCLOS) (Royal Malaysian Navy, 2018: 13).

Layang-Layang is an oval-shaped, elongated atoll that extends approximately 7.5 kilometres (km) along its west-east axis, while the north-south axis is about 2.2 km in length. It has a central lagoon surrounded by both submerged and above sea level reef (see Figure 2). According to a 2014 study by the Coral Reef Initiative for the South Pacific (CRISP), the part of Layang-Layang above sea level is a reef located on the south-eastern rim and south-facing side, which had an original land area of approximately 6.2 hectares. This portion has since been reclaimed as a build-up platform enclosed in straight seawalls that covers over 35 hectares, measuring approximately 1.5 kilometres long and 300 metres wide (Coral Reef Initiative for the South Pacific, 2014). Layang-Layang is considered to be the eleventh largest geographical feature, as well as the first artificial island in the Spratly archipelago (Roach, 2014: 10).

Figure 2: Pulau Layang-Layang



Source: CRISP (2014).

3. Defining the Values of Islands: Why Pulau Layang-Layang Matters

Islands have always been economically and strategically important to littoral and archipelagic states.⁴ In the present day, with the advent of legal institutions and mechanisms governing international maritime space, such as the UNCLOS, islands have become even more salient than before. Its salience is not only confined to the terrestrial environs, but also the waters that surround them. As the concept of “security” extends to cover both the traditional military realm and also such non-traditional domains as economic, food, piracy, energy, human and environmental challenges, islands are increasingly regarded as prized assets that have to be secured and sustainably developed for the present and future wellbeing of maritime nations (Lai, 2018).

Islands and other types of marine features such as atolls, reefs, rocks, shoals and low-tide elevations are important economic assets. Large volcanic islands have particularly arable soil. Agricultural activities such as the planting of rice and growing of coffee beans are key to the economies of places like Java and Sumatra. Similarly, the sugar cane and pineapple industries on Fiji and Hawai'i are of tremendous economic benefit. The islands' biodiverse surroundings usually have abundant fish stocks and hydrocarbon deposits. When developed as tourism destinations, islands help generate huge revenues. These resources make islands major sources of commercial, energy and food benefits (Bass and Dalal-Clayton, 1995; Lai, 2018; World Tourism Organisation, 2002).

Islands also have intrinsic and explicit strategic value. They shape maritime nations' security and military strategies, impacting their offense-defence equations. For instance, islands with suitable geographical attributes are useful for the forward deployment of military assets. Islands may function as springboards or stepping stones from which maritime powers conduct naval, amphibious and aerial operations to pursue their interests (Erickson and Wuthnow, 2016). From a defensive position, islands may also serve as strategic buffers against possible military attacks. Island chains such as Micronesia in the Pacific, the Senkakus/Diaoyus, the Paracels and Spratlys in the East and South China Seas form defensive parameters to contain threats (Baruah, 2018; Erickson and Wuthnow, 2016; Kazumine, 2013; O'Brian, 2012).

Strategically located islands have other security functions, such as protecting vital sea lines of communication (SLOC) for safe shipping and freedom of navigation in times of peace, as well as the securing of EEZs against threats of piracy, maritime terrorism, poaching/illegal fishing, and other non-traditional security concerns. Islands, especially those located in narrow strips of water or semi-enclosed maritime confines can be employed as “choke points” during conflict, for the conduct of naval blockade, where Anti-Access/Area Denial (A2/AD) strategies can be used to interdict and

block access of enemy states to important SLOC (Edel, 2018; Kukreja, 2013; Lai, 2018).

As Malaysia is a littoral state straddling the immensely strategic semi-enclosed SCS, securing its maritime-territorial rights while optimizing the economic potential of Pulau Layang-Layang and other Malaysian-occupied features are crucial to advancing Malaysia's security and wellbeing. Strategically, preventing foreign encroachments into Malaysia's portion of the SCS is inextricably tied to preserving the country's sovereignty and territorial integrity, in view of the two Malaysian land masses being separated by this waterway (Noor, 2017; Parameswaran, 2015; Yusoff, 2021). Indeed, the myriad challenges of protecting, administering and integrating a physically divided Malaysia over and across the SCS makes this water central to national security considerations, calculations and planning. Ensuring the safety of this "strategic bridge that allows for a Malaysian Federation" (Evers, 2019; Sebastian, 2020), particularly the sea routes and air space connecting the Peninsular Malaysia with Sabah and Sarawak on the Borneo Island, is, therefore, the major imperative underpinning the country's SCS policy (Lai and Kuik, 2021; Noor, 2017: 21). Economically, the SCS – an area abundantly rich in hydrocarbon deposits and fish stocks – is vital to Malaysia in terms of resource access (including food and energy), biodiverse maritime surroundings, and maritime connectivity.

Because of the SCS's real and perceived economic resources, littoral and archipelagic states have raced to claim sovereignty and exercise jurisdiction and economic rights over the SCS's maritime features. In 1969, a United Nations Economic Commission for Asia and the Far East (UNECAFE) report predicted the prospects of huge oil and gas reserves in both the East and South China seas. Specifically, the SCS was reported to possess an estimated 23.5 billion tons of oil and 10,000 billion cubic metres of natural gas, apart from gas hydrates (Hong, 2012: 75). Other estimates suggested the area contains between 11 and 22 billion barrels of oil, and between 190 and 290 trillion cubic feet of natural gas (*South China Morning Post*, 2019). Expectedly, such predictions have turned the Paracel and Spratly into highly valuable archipelagos owing to their surrounding resource-rich water, where some of the marine features may be entitled to generate their own territorial sea, contiguous zone, and EEZ that encompass the water containing the predicted hydrocarbon reserves.

Malaysia – the second largest oil and natural gas producer in Southeast Asia and the world's third largest exporter of liquefied natural gas (LNG) – derives a substantial portion of its hydrocarbon resources from the SCS. With the oil and gas sector contributing almost a third of Malaysia's annual revenue (Parameswaran, 2015: 3), it is clear that Malaysia's prosperity is highly dependent on the SCS. In addition, the SCS has been the traditional fishing

ground for fishermen from both sides of the Malaysian land masses and, thus, is an important source of employment and food (Lai and Kuik, 2021).

In this regard, Pulau Layang-Layang and the other marine features off the north and west coasts of Sabah, as well as *Beting Patinggi Ali* (South Luconia Shoals), *Beting Raja Jarum* (North Luconia Shoals), and *Beting Serupai* (James Shoal), located less than a hundred kilometres from the shores of Sarawak, have often been frequented by Malaysian fishermen dependent on these marine ecosystems for their economic livelihood. In fact, the waters surrounding Layang-Layang are well known for its rich marine life, in particular, the highly sought-after yellowfin tuna (Chee, 1995). Because of this economic potential, the Malaysian Cabinet approved the deep sea fishing initiative in 1987 to capitalise on the fish stock in Pulau Layang Layang's vicinity (Yasin et al., 2020: 27). The Malaysian authorities then introduced permits to regulate access to the related maritime confines.⁵ Nonetheless, there is frequent foreign encroachment as "Illegal, Unreported and Unregulated (IUU)" fishing by Chinese, Indonesian, and Vietnamese fishermen in the Malaysian maritime zone.

Apart from hydrocarbon and marine resources, the economic potential of the SCS also manifests in the form of tourism, where its marine features with natural geo-sites and idyllic surroundings can be appropriated and developed as tourist attractions to generate revenues. In this regard, since the early 1990s, Layang-Layang, with its biodiverse and naturally endowed marine ecosystem, has been transformed into an exclusive, world class scuba diving resort. Beginning with a modest fifteen-pax, dormitory-style accommodation in 1992, the formerly known Layang-Layang Island Resort has been upgraded and transformed into Avillion Layang-Layang, an exclusive 86-room island resort spreading across five blocks, which caters up to 160 guests (Royal Malaysian Navy, 2018: 62-63). Together with the 300-plus islands off the Sabah coasts, this scenic island, fondly known by the scuba diving community as "The Jewel of the Borneo Banks," have contributed to enhancing the attractiveness of this Malaysian Borneo state as a popular tourist destination.

Pulau Layang-Layang and the other four Malaysian-occupied features are of strategic importance to Malaysia. They serve as RMN platforms to defend the nation's sovereign and maritime interests in the SCS (Sebastian, 2020). These five "Malaysian Spratly" features, with both natural geographical and "man-made" attributes, currently house the naval offshore stations of RMN Station Lima (Pulau Layang-Layang), RMN Station Uniform (*Terumbu Ubi*), RMN Station Mike (*Terumbu Mantanani*), RMN Station Papa (*Terumbu Peninjau*), and RMN Station Sierra (*Terumbu Siput*). Irrespective of the sizes of such features, the proximity of these RMN stations together allows for the formation of a defensive parameter within Malaysia's maritime boundaries (see Figure 3). For the purpose of operational control (OPCON), the RMN calls these five stations collectively as Gugusan Semarang Peninjau (GSP).

Figure 3: Gugusan Semarang Peninjau (GSP)



Source: European Commission, <https://ec.europa.eu/>

Besides operating as a naval station, Pulau Layang-Layang can also double-up as an offshore aerial defence facility. Its 1.368 kilometres airstrip (see Figure 4) can accommodate not only the earlier mentioned military transport planes but also the RMAF's current SU-30MKM and F/A-18D Hornets and future fourth and fifth generation Multi-Role Combat Aircrafts (MRCA). According to a study by the CSIS Asia Maritime Transparency Initiative's (AMTI) titled "Airpower in the South China Sea," Pulau Layang-Layang's airstrip's capabilities allow Malaysia to land its current Sukhoi SU-30MKM. With a combat radius of 806 miles, the Sukhois are capable of providing comprehensive aerial defence/surveillance coverage of the Malaysian-claimed Spratlys and surrounding waters. Although it is just one-third of China's three kilometres-long airstrip at Fiery Cross Reef, the Pulau Layang-Layang runway is still longer than the runways on Vietnam's Spratly Island, Philippines' Thitu Island and Taiwan's Itu Aba (Asia Maritime Transparency Initiative, 2015) (see Figure 5).

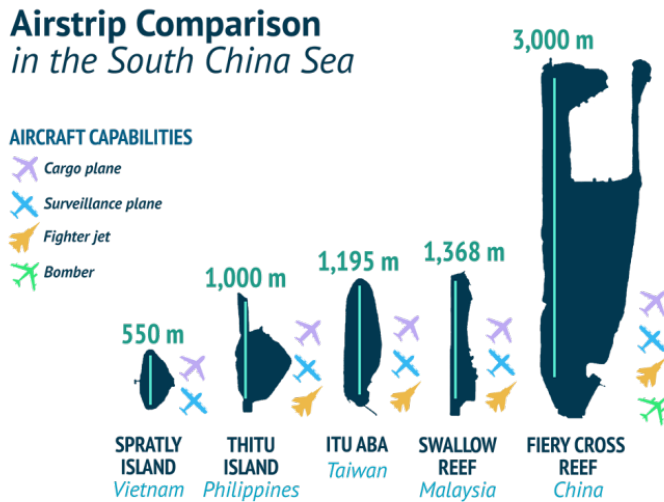
In addition to the installation of ground-based radar and the operation of maritime surveillance and patrol aircrafts, including unmanned aerial vehicles (UAVs or drones) to enhance maritime domain awareness (MDA), the possible deployment of fighters together with surface-to-air (SAM)/ surface-to-surface (SSM) missile systems on Pulau Layang-Layang would bolster Malaysia's air defence, especially in the related maritime zones that

Figure 4: Airstrip on Pulau Layang-Layang (Swallow Reef)



Source: CSIS, AMTI (2015).

Figure 5: Comparison of Airstrips on Claimed Features in the South China Sea



Source: CSIS, AMTI (2015).

encompass the GSP. This is significant, considering the potential security challenges from other claimant states. China, Vietnam, and the Philippines have occupied the most of the features in the SCS, with each building military facilities on its occupied areas and reclaiming land to allow further construction (Zhang, 2021). China, in particular, has extended its forward presence in the disputed waters by erecting seven artificial islands in the Spratlys, which enable China to have significant air and surface surveillance and intelligence gathering capabilities on all of its seven holdings, especially the “big three” (i.e., the Fiery Cross Reef, Mischief Reef and Subi Reef), thereby extending its coast guard and other paramilitary forces’ activities in the areas, including monitoring all air and sea traffic, as well as supporting the frequent refuel and resupply visits from China Coast Guard (CCG) and sheltered other paramilitary force vessels like the People’s Armed Forces’ Maritime Militia (PAFMM), alongside other civilian and military functions in the SCS (Suorsa, 2020).

Additionally, Pulau Layang-Layang’s RMN Station Lima and the other four RMN offshore stations (*Stesen Luar Pantai SLP*) can be further operationalized for multi-agency coordinated enforcement operations or “grey zone operations” for the purpose of securing Malaysia’s EEZs against such threats as piracy, maritime terrorism, poaching/illegal fishing, and other non-traditional security concerns occurring in Malaysia’s portion of the SCS. Among the most blatant of these concerns is IUU fishing, which entails the encroachment on Malaysian waters by illicit foreign fishing vessels. IUU fishing, which is responsible for rapidly depleting fish stocks, currently accounts for 8-16 percent of total catch in the SCS. According to Inderjit Singh (2020: 184), key threats of IUU fishing in Malaysia include illegal fishing, infringement of license terms, misreporting of catch and the use of illegal fishing methods/gears. Thus, illegal fishing in Malaysian fishing zones by foreign vessels not only threatens the economic livelihood of local fishermen but also poses a potential security threat to the country (Singh, 2020: 184). It is reported that approximately 980,000 metric tons of fish, with an estimated value of RM6 billion, are poached annually by illegal foreign vessels, usually from Thailand, Vietnam and Indonesia in Malaysian waters, with Chinese fishing exploits yet to be accounted for (Majid, 2017; *Malay Mail*, 2019). As such, current monitoring, control and surveillance (MCS) systems, as well as maritime enforcement initiatives/measures must be enhanced to better protect Malaysia from this economic security threat. In this regard, Pulau Layang-Layang can be used as an offshore base for multi-agency enforcement operations involving the Malaysian Maritime Enforcement Agency (MMEA), RMN, RMAF, Marine Police, Air Wing Unit Police and Malaysian Fisheries Department to tackle the incursion of foreign fishing boats in Malaysian waters (Singh, 2020: 195).

4. Defending Sovereignty: Malaysia's Multipronged Statecraft

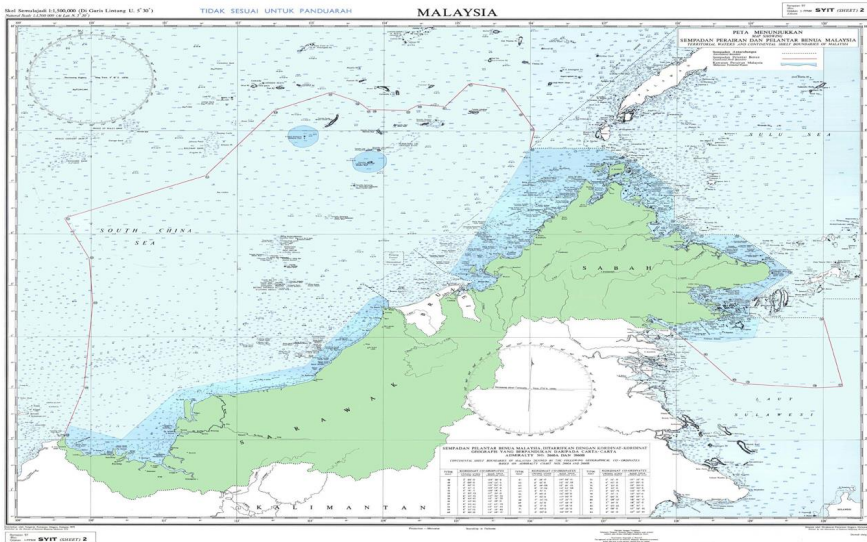
Since the 1960s, the Malaysian government has adopted a multipronged strategy to pursue and defend its sovereignty and other interests over its claimed areas in the SCS, including Pulau Layang-Layang. This multipronged statecraft consists of a combination of legislative, administrative, legal, diplomatic and military tools. In addition to bilateral and multilateral diplomatic efforts made possible by the ASEAN-led multilateral mechanisms created since the early 1990s, the Malaysian authorities have also undertaken various national efforts to exercise and assert its sovereignty over its claimed areas in the SCS.

Legislative and legal measures were central to Malaysia's early efforts in asserting its sovereign and maritime interests in the SCS. In July 1966, Malaysia passed its Continental Shelf Act (revised in 1972), based on the provisions of the 1958 Geneva Convention on the Continental Shelf.⁶ In October 1969, Malaysia and Indonesia agreed on the delimitation of the continental shelves between the two countries. Five months later, in March 1970, the two governments signed an agreement on territorial sea boundary. Malaysia also enacted the Petroleum Mining Act in 1966 (revised in 1972) and the Petroleum Development Act in 1974. The latter act grants the national oil company, Petronas Nasional Berhad (Petronas), exclusive ownership rights to all oil and gas resources in Malaysia and makes it the main regulatory body for upstream oil and gas activities, thereby allowing the federal government to assume ownership of the country's oil and gas (O&G) assets (Adnan, 1978: 375-384; Moorthy, 1982). The 1970s witnessed a petroleum boom in Malaysia, with Petronas partnering with foreign investors on production sharing schemes for carrying out exploration, refining and distribution activities.⁷ In December 1982, Malaysia signed UNCLOS (ratified on 14 October 1996). In 1984, Malaysia passed its Exclusive Economic Zone Act, which provided for "the regulations of activities in the zone and on the continental shelf and for matters connected therewith."⁸ Other legislative acts followed, including the Baselines of Maritime Zones Act in May 2007 and the Continental Shelf (Amendment) Act in 2009.

The most important legislative move, which officially marked Malaysia laying its claims on portions of the Spratly archipelago, was the publication of a two-sheet "Map Showing Territorial Waters and Continental Shelf Boundaries of Malaysia" (commonly known as "New Map", or *Peta Baru* in Malay) on 21 December 1979. While the first sheet of the map is of Peninsular Malaysia, the second sheet (see Figure 6) illustrates Malaysia's territorial waters and continental shelf boundaries along Sarawak and Sabah.

According to the map (hereafter "Peta Baru 1979"), Malaysia stakes its claims to about a dozen tiny reefs and atolls in the SCS. These include:

Figure 6: Areas Claimed by Malaysia in the South China Sea



Source: National Security Council, Malaysia.

Pulau Layang-Layang (Swallow Reef), *Terumbu Ubi* (Ardasier Reef), *Terumbu Mantanani* (Mariveles Reef), *Terumbu Laya* (Dallas Reef), *Terumbu Semarang Barat Kecil* (Louisa Reef), *Terumbu Semarang Barat Besar* (Royal Charlotte Reef), *Terumbu Siput* (Erica Reef), *Terumbu Peninjau* (Investigator Reef), *Permatang Ubi* (Ardasier Bank), *Pulau Kecil Amboyna* (Amboyna Cay), *Terumbu Perahu* (Barque Canada Reef), and *Terumbu Laksamana* (Commodore Reef).

Malaysia asserts that the claimed features are situated on its continental shelf and within its exclusive economic zone (EEZ) of 200 nautical miles. Of the claimed areas, *Pulau Kecil Amboyna* and *Terumbu Perahu* are occupied by Vietnam, while *Terumbu Laksamana* is occupied by the Philippines (Catley and Keliat, 1997; Haller-Trost, 1998; Hancox and Prescott, 1995; Nizam, 2012: 72-82; Valencia et al., 1997: 36). Malaysia has asserted its jurisdiction over *Beting Serupai* and *Beting Patinggi Ali* on an “extensive, peaceful, continuous and public” basis, chiefly through patrolling, policing, and resource-exploration activities (Hamzah, 2014; for a Chinese account, see Zhang, 2006).

Aside from legislative and legal measures, Malaysia has also used military and other tools of statecraft to assert and bolster its sovereignty claims over the areas. As early as 1974, the Malaysian Armed Forces (MAF), in particular, the RMN received a directive to enhance Malaysia’s presence”

in the Spratlys. This marked the beginning of “Operations Terumbu” (Op Terumbu) that broadly covered all MAF operations in the Spratlys (Yasin et al., 2020: 12).

The MAF’s maiden expedition to the claimed Spratly features took place in early 1975, involving personnel and equipment from the tri-services of the RMN, Royal Malaysian Air Force (RMAF) and the Army Royal Engineer Regiment (RER). The assignment was to install sovereignty markers on the Spratly features, which included *Pulau Kecil Amboyna* (Amboyna Cay). However, during a subsequent operation by RMN hydrographers, the Malaysian marker installed on *Amboyna* in 1975 was found to be missing. Instead, a Vietnamese monument dated 1976 was discovered. Although the Malaysian troops avoided tampering with the Vietnamese marker, they re-erected the signage *Pulau Kecil Amboyna* on 11 October 1977, to indicate Malaysia’s resolve in staking her claim of sovereignty over the said feature. Directorate of National Mapping personnel then expedited the surveys and markings at Layang-Layang and other adjacent features, namely *Terumbu Laya* (Dallas Reef), *Terumbu Ubi* (Ardasier), *Terumbu Semarang Barat Besar* (Royal Charlotte Reef), *Terumbu Semarang Barat Kecil* (Louisa Reef), Seahorse Breakers, Hayor Reef, and *Beting Patinggi Ali* (South Luconia Shoals) (Royal Malaysian Navy, 2018; Yasin et al., 2020: 12-13). Unfortunately, the re-installed Malaysian marker on *Pulau Kecil Amboyna* suffered a similar fate as the first. The entire island was also occupied by Vietnam on 2 June 1978. In his memoir in 2011, Mahathir Mohamad recalled that even though then Malaysian Prime Minister Tun Hussein Onn had initially agreed with him to physically reclaim Amboyna for Malaysia, Tun Hussein eventually changed his mind to avoid possible confrontations with a neighbour state (Mohamad, 2011).

The “loss” of *Pulau Kecil Amboyna* undermined the need and urgency to secure Malaysia’s remaining claimed features in the Spratlys, with Layang-Layang as a top priority. Following a meeting on 13 June 1979, the Malaysian cabinet decided to make its SCS territorial claims visible via the construction of observable monuments, which led to the commencement of “Operation Tugu” (Op Tugu) beginning on 31 January 1980. Led by Lieutenant Colonel Choi Siew Pun, the RER constructed the monuments of “sovereignty” on Layang-Layang and nine other Malaysian-claimed features (Royal Malaysian Navy, 2018: 26). The “Op Tugu” comprised three phases. The first phase, executed between 2 and 19 April 1980, involved the laying of foundations of monuments at four of the claimed features, including Layang-Layang. During the third phase, from 16 June to 10 July 1980, 25-foot high concrete monuments were installed at Layang-Layang and three other reefs by the No. 3 Engineer Squadron, RER led by Lieutenant Harjit Singh Rendawa (Royal Malaysian Navy, 2018: 30; Yasin et al., 2020: 13). The monument

at *Terumbu Laksamana* (Commodore Reef) was subsequently destroyed by the Philippines, which subsequently occupied the feature. The monument on *Terumbu Semarang Barat Besar* (Royal Charlotte Reef) was found to be missing in mid-1985 (Yasin et al., 2020: 13).

Eventually, more assertive measures were undertaken to strengthen Malaysia's claims. On 21 August 1981, the cabinet of then Prime Minister Mahathir ordered the MAF to "occupy" Layang-Layang (Royal Malaysian Navy, 2018: 33; Yasin et al., 2020: 13). The extensive preparations for the physical occupation included: intensified RMN patrols and surveys of Layang-Layang and other features in its vicinity, the commencement of a hydrographic survey from 11 to 23 May 1982, and training at the Lumut Naval Base involving members of the newly established RMN Special Operations Force, or *Pasukan Khas Laut* (PASKAL), who were tasked to land, occupy and man the feature (Yasin et al., 2020: 13). Less than two years later, on 5 May 1983, 11 personnel from PASKAL's Alpha Squadron led by RMN Lieutenant Nasaruddin bin Othman and Lieutenant Johari Ramzan bin Hj. Ahmad landed on Layang-Layang to expedite the physical occupation of the reef. The landing mission was carried out from the RMN hydrographic survey vessel, *KD Mutiara*, bound for Layang-Layang as part of the naval task force participating in the MAF's annual joint exercise called "Exercise PAHLAWAN." Following a successful landing, Layang-Layang was permanently occupied (Yasin et al., 2020: 16-17). In August 1983, Malaysian armed forces held military exercises in the area (Richardson, 1983: 7). The following month, in response to protests from Vietnam and China, Malaysia's Deputy Defence Minister Abang Abu Bakar said that Malaysia had sent its armed forces to *Layang-Layang* because it is Malaysian territory, and that "we see no reason why we should withdraw our troops when our claims are backed by international law" (*New Straits Times*, 1983: 2).

At the end of 1983, the construction of the permanent base on Layang-Layang began, using the Caisson Retained Island (CRI) technology adopted by the oil and gas industry to develop sturdy offshore exploration facilities (Mancini et al., 1983). With a budget of RM60 million, Promet Berhad was commissioned to construct the permanent module, which involved the simultaneous fabrication of metal caissons at the Malaysian company's yard in Jurong, Singapore and on-site earth works at Layang-Layang (Yasin et al., 2020: 24-25). The initial infrastructures included an accommodation block, hangar, office space, a reverse osmosis system, and power generation plant to provide basic utilities for the stationed personnel, as well as trees and grass for landscape, making Layang-Layang the first "man-made island" in the SCS. To facilitate RMN vessels' access to the calmer waters of the lagoon, an "artificial" channel was constructed by blasting through coral reefs (Royal Malaysian Navy, 2018: 48-49; Coral Reef Initiative for the South Pacific,

2014). The development of the RMN Station Lima has strengthened the basis for Malaysia's claim over Layang-Layang based on the principle of *effectivites* (effective occupation), apart from altering its status to that of an "island", with its name officially changed to "Pulau Layang-Layang" (Layang-Layang Island) on 29 March 1992 (Yasin et al., 2020: 28).

Efforts to strengthen Malaysia's claim included visits by leaders to Layang-Layang. The first such visit was made by Prime Minister Mahathir in April 1984, upon the completion of Station Lima. This was followed by a trip in May 1992 by Agong Sultan Azlan Shah and Queen Bainun, accompanied by Chief of RMN, Mohamad Shariff Ishak (Ahmad and Sani, 2017: 73-74; Liow, 2009: 63; Salleh et al., 2009: 114). Mahathir made another visit to Layang-Layang in May 1995 to reaffirm Malaysia's claim (Wu, 2013: 144). He spent a night on Swallow Reef, increased naval patrols, and ordered a large-scale military exercise (Storey, 2011: 224). Subsequent leaders made similar visits: Deputy Minister Najib Razak visited Layang-Layang in August 2008, and Prime Minister Abdullah Badawi did so in March 2009 (Wu, 2013: 144).

To further advance its effective occupation, the Malaysian government not only developed Pulau Layang-Layang as a military asset but also the island's economic and commercial potential by transforming it into a world class scuba diving and deep-sea fishing destination. A March 1987 cabinet approval launched the deep-sea fishing initiative, with mainly Sabah and Sarawak companies reaping the economic rewards of Pulau Layang-Layang's surrounding waters. A fisheries and marine research station (MARSAL) was also established the same year, which brought further infrastructural development to Pulau Layang-Layang. The construction of the Layang-Layang Island Resort (currently known as The Avillion Layang-Layang) by a private company was completed in October 1989, with the resort officially welcoming its first batch of international and domestic visitors on 15 January 1990 (Yasin et al., 2020: 27). Anticipating an increase in tourist arrival, the original airstrip at Layang-Layang was extended to 1,067 metres in December 1991 and 1,368 metres in 2003. Malaysia's efforts to develop tourism on Layang-Layang have been motivated primarily by the intention "to prove that the reef can sustain economic life on its own, and thus can fulfil the minimum requirement of UNCLOS to generate its own 200 nautical mile (nm) Exclusive Economic Zone" (Chung, 2000: 267).

Layang-Layang's transformation from a submerged reef with a small dry patch of land at high-tide into an 83-acre man-made island housing an RMN outpost and a premier diving resort is indicative of Malaysia's multipronged approach in advancing its interests in the wider SCS. In addition to physical occupation, administrative and socioeconomic measures noted above, the Malaysian authorities have also conducted oil and gas exploration activities

in the areas. Some Chinese writings have described Malaysia as the country “most active” in undertaking energy exploration activities in the disputed areas (Zhang, 2006: 245).

The Malaysian government has also consistently emphasized the importance of international law when asserting its sovereignty claim. Malaysia protested Vietnam’s occupation of *Pulau Kecil Amboyna* (Amboyna Cay) and *Terumbu Perahu* (Barque Canada Reef), the Philippines’ occupation of *Terumbu Laksamana* (Commodore Reef), as well as sought formal clarification when China promulgated its Law on the Territorial Sea and the Contiguous Zone in 1992.

On 6 May 2009, Malaysia and Vietnam lodged a joint submission to the United Nations Commission on the Limits of the Continental Shelf (UNCLCS), extending their continental shelf claims into an area in the southern part of the SCS beyond 200 nautical miles from their coastlines. Procedurally, the move was to meet the terms and conditions under Article 76, paragraph 8 of UNCLOS as well as the SPLOS/72 Decision (by the 11th Meeting of State Parties to UNCLOS under the UN General Assembly in 2001) that those signatories who ratified UNCLOS before 13 May 1999 should submit their information on the limits of the continental shelf beyond 200 nautical miles to the UNCLCS before the deadline expired on 13 May 2009 (Estina, 2013: 19). Politically, Malaysia’s move was reportedly “to reduce competition among claimants.”⁹ Robert Beckman commented that the joint submission reflected Malaysia and Vietnam’s positions on how the hydrocarbon resources in the SCS should be allocated (Beckman, 2010).

The day after the joint submission, on 7 May 2009, China filed *Notes Verbales* to the UN Secretary General, protesting the joint submission and Vietnam’s unilateral submission, reiterating its “indisputable sovereignty over the islands in the South China Sea and the adjacent waters and enjoys sovereign rights and jurisdiction over the relevant waters as well as the seabed and subsoil thereof” (Wu, 2013: 146). China’s protest note attached its nine-dash line map. On 20 May 2009, Malaysia responded to China’s protest by sending a *Note Verbale* stating that the joint submission constitutes “legitimate undertakings in implementation of the obligation of State Parties” to the UNCLOS and that it was made “without prejudice to the question of delimitation of the continental shelf between states” and “without prejudice to the position of States which are parties to a land or maritime dispute.”¹⁰ The note added that the Malaysian government “has informed the People’s Republic of China of its position prior to the submission of the Joint Submission.”¹¹ In June 2009, while meeting Chinese Premier Wen Jiabao during his first official visit to China upon assumption of his premiership, Malaysian Prime Minister Najib remarked, “Malaysia has recognised the complexity of the South China Sea issue and would like to solve the problem

through friendly negotiation under the guidance of international laws” (Li and Jiang, 2009).

While some analysts have described China's protest note as a “provoked response” to Malaysia and Vietnam's joint submission, from Malaysia's viewpoint, however, the developments have raised concerns about China's intent in the disputed areas. This viewpoint is reflected in a paper presented by Kadir Mohamad, former secretary-general of the Malaysian Foreign Ministry and former foreign policy advisor to the Prime Minister, at a workshop in Kuala Lumpur, in which he stated that China's actions and the nine-dash line map “have created doubts, uncertainties and concern about China's actual intentions” (Mohamad, 2012: 4). Nazery Khalid, a researcher at the Malaysian Institute of Maritime Affairs, wrote in 2011, “China's claim of sovereignty over South China Sea as defined by its ‘nine-dotted lines’ principle, which has spurred anxiety among the littoral states of the sea, stands testimony to its growing assertiveness in protecting its interest in the sea” (Khalid, 2011: 130).

Reflecting the Malaysian government's position on managing the disputes in the context of international law, Nazery opined, “Since all the claimant states of South China Sea are parties to UNCLOS, they should always act in concert with its provisions and bring their national laws and practices in conformity with the convention.” He added, “It is imperative that claimant states enter into negotiations to agree on where are the disputed areas and those not in dispute, before they can work on initiatives such as joint development. In this regard, it would be most desirable for China to bring its claims in conformity with UNCLOS so that claimants can agree on areas not in dispute” (Khalid, 2011: 133).

More recently, on 12 December 2019, Malaysia made a partial submission to the UNCLCS, claiming an extended continental shelf beyond 200 nautical miles. According to researcher Sumathy Permal, the submission represented “a more proactive side of Malaysian maritime policy aimed at protecting its sovereign rights”, besides continuously calling for “the full implementation of the 2002 Declaration on the Conduct of Parties in the South China Sea and the conclusion of a Code of Conduct in the South China Sea” to manage the disputes (Permal, 2020).

5. Dealing with Geopolitical Reality: Pragmatism in Malaysia's SCS Policy (and China Policy)

Malaysia, like other claimant states, is determined to protect its sovereignty and maritime rights over its claimed areas in the SCS. As a militarily weaker claimant state, however, Malaysia realizes its policy options to assert and advance its interests vis-à-vis the multi-nation disputes are limited, confined by its capabilities, and subject to the wider geopolitical realities in Asia. These

realities include the widening power asymmetries and uncertainties, following the growing U.S.–China rivalry and China’s assertiveness over the past decade (Alatas, 2021; Hamzah, 2020; Lai and Kuik, 2021; Ngeow, 2021a, 2021b; Noor, 2019, 2021; see also Leong, 2020; Milner, 2020).

As big-power rivalry deepens, so does Malaysia’s small-state pragmatism, which is most evident in three elements in its SCS outlook: (a) recognizing that the nature of the SCS issue has changed from a territorial dispute to a matter of big-power contestation; (b) prioritizing its oil and gas exploration, while adopting a low-profile, cautious, and non-confrontational approach, and (c) displaying indirect defiance (chiefly via “legal hedge”, discussed below) towards China’s growing assertiveness, while not taking sides vis-à-vis the competing powers (Hamzah, 2014; Kuik and Ahmad, 2021; Ngeow, 2020; Noor, 2017; Permal, 2016). Each element is pragmatic in that it uses available means to pursue prioritized ends: maximizing prioritized benefits, while minimizing perceived risks, specifically the risks of entrapment and abandonment. Pragmatism, after all, is about striking a balance between multiple internal needs and external constraints.

This pragmatism in Malaysia’s SCS policy (and its broader China policy) is best reflected in Malaysia’s responses to the post-2020 developments in the disputed waters. The first episode occurred in April-May 2020 when there was a month-long standoff involving a Chinese seismic survey ship *Haiyang Dizhi 8* and the Malaysian Petronas’ contracted *West Capella* drill ship engaging in exploration activities near the outer edge of Malaysia’s Exclusive Economic Zone (EEZ) in the SCS, not far from the area where China Coast Guard (CCG) vessel has maintained a regular presence since 2014. Soon after, U.S. and Australian warships appeared and conducted military exercises near the site of the *West Capella*’s operation, purportedly in support of Malaysia (Ngeow, 2020; Ziezulewicz, 2020). The second episode was on 31 May 2021 when 16 People’s Liberation Army Air Force (PLAAF) aircraft flew into the airspace near Malaysia’s Sarawakian coast, prompting the Royal Malaysian Air Force (RMAF) to scramble jets to intercept the aircrafts (Ahmad et al., 2021). Then, in late September 2021, the Chinese survey ship *Da Yang Hao* was reportedly operating in an area that ran through the EEZs of three countries – Brunei, Malaysia and the Philippines – moving back and forth off the coasts of Sabah and Sarawak. At one point, the *Da Yang Hao* was only 60 nautical miles off the Malaysian coast (Radio Free Asia, 2021).

Malaysia responded to these developments prudently. While its increasing apprehension about China’s mounting maritime assertiveness has pushed Malaysia to deepen its hedging approach, the smaller state has refrained from over-reacting or departing from its non-confrontational posture towards its giant neighbour. While Malaysia has continued to embrace and enhance its longstanding defence partnerships with the United States and other Western

powers as “a military hedge” (vis-à-vis *any* unwanted but possible military danger in the future that it cannot cope by itself), it has taken great care to underscore the message that these partnerships are not targeted specifically to any power (at least at the present time). Malaysia has cautiously kept a delicate distance from its long-time defence partners (even though doing so risks displeasing the latter), with an intended goal of signalling to external and internal audiences that its defence partnerships with the Western powers are a continuation of – not a departure from – its “equidistance” tradition vis-à-vis all big powers. Malaysia, accordingly, has deepened its “politico-diplomatic hedge” by reiterating its position that it would not take sides, emphasizing its commitment to develop stable and mutually productive partnerships with *both* sides of the power equation. While there are signs of an increased use of “legal hedge” to defy and push back China, this has been done in a measured and balanced way.

Examples of this multifaceted small-state pragmatism abound. During the *West Capella* incident in 2020, the Malaysian government reacted in its typically low-key manner: denying any confrontation or standoff between the Chinese and Malaysian ships, calling for peaceful means to resolve the situation, while expressing concern about potential miscalculation. Foreign Minister Hishammuddin Hussein stated: “While international law guarantees the freedom of navigation, the presence of warships and vessels in the South China Sea has the potential to increase tensions that in turn may result in miscalculations which may affect peace, security and stability in the region,” before adding, Malaysia maintains “open and continuous communication” with all relevant parties, including China and the United States (Latiff and Ananthalakshmi, 2020). The minister’s remarks – by mentioning both China and the United States, while highlighting the possibility of increased tensions and miscalculations – clearly indicated that the Malaysian authorities were more concerned about the dangers of being entrapped in big-power conflict than the encroachment of foreign vessels into its EEZ *per se* (Lai and Kuik, 2021).

Nevertheless, despite these cautious statements that seemingly indicate that Malaysia wishes to keep its distance from the U.S. and Australian military, Malaysia has, in practice, continued to maintain close and robust ties with its Western partners (Malaysian Ministry of Defence, 2020: 70). In 2021, when the armed forces were able to resume their military exchanges after the outbreak of COVID-19, Malaysia conducted several bilateral training and exercises with the United States. In April, the Royal Malaysian Air Force (RMAF) conducted exercises with the *USS Theodore Roosevelt* Carrier Strike Group in the South China Sea. Then in November, the Malaysian Army and the U.S. Army Pacific held their face-to-face annual bilateral exercises, the 25th iteration of Keris Strike, in Gurun, Kedah.

These seemingly contradictory measures are indicative of the smaller state's attempts to balance the military hedge and politico-diplomatic hedge at a time of growing power uncertainties. As observed by Steve Wong: "Informed security analysts know by now that, both out of conviction and necessity, Malaysian policymakers typically dial-down real threats and risks of conflict and talk-up normative values of dialogue and cooperation." He continued, "These can give the impression of being 'schizophrenic' and 'out-of-touch' with realities, but it is simply not perceived to be in the country's political, economic, or social interests to do otherwise – not even when the rhetoric is at odds with actual intentions and actions," adding that this posture "is expected to remain the *modus operandi* through 2022 and beyond, despite ominous pressures of a changed environment and changing realities" (Wong, 2021).

This pattern is extended to Malaysia's use of legal hedge and related efforts. For instance, in its *Notes Verbale* to the United Nations dated 29 July 2020, Malaysia used strong language to rebuke China's earlier note objecting to Malaysia's establishment of its outer limits beyond 200 nautical miles, rejecting China's "nine-dash line" and describing it as having "no basis under international law" (United Nations, 2020). This strong-worded *Notes Verbale* in 2020 was followed by Malaysia's visibly stronger steps in 2021 (e.g., sending diplomatic protests and summoning the Chinese ambassador). However, despite this stronger position, Malaysia has opted to offset such *limited and indirect defiance* with more *open and direct* deference and cooperation vis-à-vis China on other realms: agreeing to revive the two Beijing-backed pipeline projects (previously suspended by Malaysia in 2018 during Mahathir's second premiership), as well as agreeing to establish the High-Level Committee on Malaysia-China Post Pandemic Cooperation. The first meeting was held during Saifuddin's China visit on 4 December 2021.

Malaysia's deepening pragmatism reflects that it is increasingly alarmed about escalating big-power tensions and growing risk of entrapment. When the Australia-United Kingdom-United States (AUKUS) pact was announced in September 2021, Malaysian leaders warned that the pact would trigger an arms race in Asia. Prime Minister Ismail Sabri Yaakob cautioned that the pact would "provoke other powers to act aggressively in the region, especially in the South China Sea" (Povera, 2021). Foreign Minister Saifuddin Abdullah echoed his concerns, stating that AUKUS could "lead to the escalation of arms race", "potentially spark tension among the world superpowers", and "aggravate aggression between them in the region" (Malaysian Ministry of Foreign Affairs, 2021). Hishammuddin Hussein, now Defence Minister in Ismail Sabri's cabinet, stressed that "Malaysia does not want to be dragged into the geopolitics of the considerations of huge powers," while emphasizing that other states must respect ASEAN's long-standing principle of neutrality and "Malaysia's stance on nuclear-powered submarines operating in its waters,

including under the United Nations Convention on the Law of the Sea, and the Southeast Asian Nuclear-Weapon-Free Zone Treaty” (Palansamy, 2021).

Malaysia's official stance on AUKUS does *not* mean that Malaysia is opposed to the U.S. and other Western powers playing a military and security role in the region. In fact, Malaysia remains committed to its bilateral defence partnerships with the U.S., Australia, the United Kingdom and France, as well as multilateral defence mechanisms (most notably the Five Power Defence Arrangements, FPDA, with Australia, New Zealand, Singapore, and the United Kingdom). On 26 October 2021, while responding to a question in Parliament, Hishammuddin said that while Malaysia “had made its views on AUKUS clear,” the country reiterates its firm commitment to the FPDA: “Malaysia will make sure that the relations that have been formed over the last 50 years under the FPDA will continue to be defended.” (Rahim et al., 2021)

Malaysian elites do *not* consider these positions (expressing concerns about AUKUS but embracing FPDA) contradictory; rather, they see the positions as complementary and mutually reinforcing its small-state pragmatism. This is because FPDA and AUKUS differ on at least three grounds: (a) their natures – the former is a consultative defence arrangement targeting no state; the latter is a military alliance seen as targeting China; (b) the historical contexts – the former was created in 1971 to replace Anglo-Malayan Defence Agreement (AMDA) in the wake of the British withdrawal following its “East of Suez” policy; the latter was established to respond to, and potentially contain, China's rise; and (c) their impact – the former enhanced Malaysia's defence capacities; the latter runs the risks of increasing big power contestation, marginalizing ASEAN, polarizing the region, and entrapping smaller states in a U.S.–China conflict.

Malaysia's seemingly contradictory outlook – and its alliance-avoidance stance – are both rooted in historical experience and its present-day concerns about the ongoing geopolitical realities. Malaysian elites learned from the British East of Suez policy and the U.S. Nixon Doctrine in the late 1960s that big-power allied support, however constructive and strong, is not durable. This outlook is also attributable to leader current judgments about *external* structural dynamics and *internal* political needs. Structurally, big powers would always compete and act–react among themselves, with the primary end of maximizing *their own* relative power. These present top-down challenges and uncertainties to all, especially the vulnerable smaller and weaker states. Domestically, at a time of unprecedented internal transitions, Malaysian ruling elites and politicians struggling for their own political preservation prefer external stability and prioritize external relations capable of providing resources and opportunities to boost their domestic political and governance functions. Following the 2018 general elections which ended the United Malays National Organisation (UMNO)-led Barisan Nasional (BN)'s

uninterrupted 61-year rule, Malaysia underwent three changes of government in three years, with uncertainties still ahead. For a country known for political stability, this is an unusual internal development. Since 2020, as the rest of Southeast Asia and the world fight the COVID-19 crisis, Malaysia's successive ruling elites have not only been battling the pandemic and attempting to rebuild the economy, but also struggling for their political survival.

The net effects are: while Malaysia has continued its multipronged policy of using diplomatic, legal, and physical measures to pursue its multiple interests surrounding the SCS, the growing U.S.–China rivalry and mounting domestic challenges have compelled its ruling elite to attempt pursuing these measures in a way that allows them to capitalise on the changing power dynamics as a source to support and shore up, rather than undermine, their more pressing tasks of ensuring their legitimacy, authority and survival at home.

These functions necessitate the elite to adopt policy options that strike a balance – and not necessarily maximise – the country's triple interests of territory and security, resources and prosperity, as well as policy manoeuvrability and long-term autonomy. Because it is almost impossible to maximise each of these interests with one single policy instrument (e.g., defence alignment), and because all policy instruments involve some form of *trade-offs* (e.g., over relying on alignment might serve to maximise security but it runs the risks of foregoing economic gains and undermining policy autonomy), an “optimal” option would be one that allows the elite to acquire politically-meaningful benefits as much as possible for their domestic legitimisation purposes, while minimising whatever risks and costs the constituent instruments might entail. Put differently, an optimal option would be one that involves an “acceptable” trade-off, measured in terms of its expected effects on the ruling elite's legitimisation tasks. An option that is expected to incur a high degree of costs outweighing the desired benefits, which will undercut elite's inner justification efforts, would not be considered as optimal and, as such, would be avoided and rejected.

The result is a continuation of Malaysia's pragmatic stance of not overplaying the SCS issue, and not allowing the issue to impede the overall progress of its economic and political relations with China. Such a policy makes political sense under the current conditions of intensifying big-power rivalry. This is especially so given that the disputes are not likely to be resolved in the near future, and that there are other equally or more important stakes in the bilateral relations, which are deemed crucial for the ruling elite's domestic tasks. This outlook has been translated into a policy that is marked by a desire to avoid conflict, a preference for negotiation and multilateralism, an insistence of not taking sides, and a proclivity for developing broad-based cooperation with *all* the key players. This policy, however, may evolve should

the key structural conditions change (e.g., if China's assertiveness escalates into direct and blatant aggression).

6. Looking Ahead: China's Counter-Intuitive (and Counter-Productive) Acts

In this article, we traced the history and highlighted the contemporary significance of Pulau Layang-Layang for Malaysia's SCS policy. We also unpacked Malaysia's multipronged strategy in defending its sovereignty over Pulau Layang-Layang and other claimed features, before analysing *how* the changing geopolitical realities surrounding the growing U.S.–China rivalry have shaped and reshaped Malaysia's SCS policy. We argued that domestic political factors have been and will likely be the principal driver motivating and limiting the smaller state's policy vis-à-vis the multi-nation disputes.

Malaysia's SCS policy (and for that matter, its China policy), of course, is not set in stone. It is likely to evolve if and when there are major changes in key external and internal conditions. One possible external factor might be the trajectory, pace and scope of China's assertiveness. Already, China's actions vis-à-vis Malaysia over the SCS over the past decade have suggested an increasing degree of assertiveness and even aggressiveness. The PLA overflight in late May 2021, in particular, appeared to have escalated from a show of presence into a show of force. Sending a squadron of aircraft flying in a tactical in-trail formation 40-60 nautical miles off a sovereign nation's coast, while not responding to communication requests, is an overtly provocative, if not outright hostile act.

Such an act was puzzling, and indeed, counter-intuitive.¹² Many observers were surprised that Malaysia, a friendly partner, was targeted. Malaysia was the first ASEAN state to establish diplomatic ties with China. It was among the first states to dispatch a delegation to Beijing when China was isolated after the 1989 Tiananmen Incident. Malaysia has actively involved China in the ASEAN–China dialogue process and jointly promoted East Asian institution-building. Moreover, Malaysia's approach vis-à-vis the SCS disputes has been non-confrontational, in contrast to Vietnam, the Philippines (before Duterte), and Indonesia's openly defiant approaches. Malaysia has also enthusiastically embraced Xi's Belt and Road Initiative. On 21 May 2021, just days before the PLAAF overflight, Chinese Premier Li Keqiang and Malaysian leader Muhyiddin Yassin held a video conference, pledging to deepen bilateral cooperation. Observers were also perplexed by the timing, which took place on the 47th anniversary of Malaysia–China ties and the eve of RMAF Day.

The act is also a counter-productive one, as it has increased Malaysia's threat perception of China. Indeed, the perceived incursion has sparked fundamental rethinking within the Malaysian establishment about the country's

China policy. The Malaysian Armed Forces took the unprecedented move of issuing a public statement before the Malaysian Foreign Ministry; and the Sarawak state government, Sabah's political elite, and opposition parties are demanding that the national leadership in Putrajaya take a strong position on the SCS and to ensure such incidents will not recur. China's provocation reminds Malaysia that a rising power has the capability of harming smaller states, even as China's leader pledges differently. But such provocations are precarious and self-defeating. China may think its show of force is merely a "small" measure of pressuring and deterring Malaysia from exploiting offshore oil and gas resources in a part of the SCS Beijing regards as falling within its "nine-dash line". But exhibiting coercive force to a friendly nation sends an awful message not only to the target but also to all the states which have – thus far – chosen to stay *neutral* as U.S.–China rivalries grow.

Acknowledgment

The authors gratefully acknowledge support from the Malaysian Ministry of Higher Education's grant number TR@M001-2019, "Sumber Semulajadi dan Potensi Pembangunan Strategik Ekonomi Luar Pantai Malaysia: Pulau Layang-Layang." They thank Ngeow Chow Bing, Fong Chin Wei, BA Hamzah, Abdul Razak Ahmad, Sumathy Permal, Yusri Yusoff and Zakaria Haji Ahmad for their useful suggestions and feedback on an earlier draft of this chapter. They also thank Fikry A. Rahman for his superb research assistantship. The usual caveats apply.

Notes

- * Lai Yew Meng, Associate Professor of Politics and International Relations and Dean of the Centre for the Promotion of Knowledge and Language Learning (CPKLL), Universiti Malaysia Sabah (UMS), Jalan UMS, 88400, Kota Kinabalu, Sabah, MALAYSIA. Email <lyewmeng@ums.edu.my>. Phone Number (017-8118273).
 - ** Kuik Cheng-Chwee (corresponding author), Associate Professor and Head, Centre for Asian Studies, Institute of Malaysian and International Studies (IKMAS), National University of Malaysia (UKM), 43600 Bangi, MALAYSIA. Email: <cckuik@gmail.com>.
 - *** Amy Azuan Abdullah, Candidates for Doctor of Philosophy (History), Faculty of Social Sciences and Humanities, Universiti Malaysia Sabah (UMS), Jalan UMS, 88400, Kota Kinabalu, Sabah, MALAYSIA. Email <amy_azuan@yahoo.com>. Phone Number (016-8845716).
1. This paper uses "*Pulau Layang-Layang*" (Layang-Layang Island) when the feature is discussed within the context of Malaysian government policy, but uses "Layang-Layang" when it is referred to in the general, regional context. According to the July 2016 ruling by the Arbitral Tribunal in The Hague, no

- feature in the South China Sea can be categorised as an “island” because none of them can sustain a human community without external aid.
2. Personal communication with individuals familiar with the matter, November-December 2021. See also David 2019, Nizam, 2012.
 3. Horsburgh's map of “China Sea” has two parts: China Sea Sheet 1 in 1821 and China Sea Sheet 2 in 1823. The latter provides a substantially improved chart of the coast of China.
 4. Parts of this section have been adapted from Lai, 2018.
 5. Information derived from focus group discussions with local fishermen based at Kudat who traditionally fished in the waters off Pulau Layang-Layang and GSP. (Focus Group Discussion, 15 September 2020).
 6. Available at: United Nations (1966), Continental Shelf Act. 28 July. <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/MYS_1966_Act.pdf>.
 7. Prior to this, exploration and production activities in the offshore areas of the country were undertaken by such foreign oil companies as Shell, Exxon and Mobil. See Adnan 1978. See also Geological Survey Department, 1949; Sabah State Archives (SSA), AE/18/3/, 1985.
 8. Available at: United Nations. (1984), Exclusive Economic Zone Act 1984. <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/MYS_1984_Act.pdf>.
 9. Citing a Malaysian scholar, an ICG report noted that Malaysia decided to proceed with the joint submission with Vietnam, even though Philippines and Brunei refused to join them in submitting the claim, because Malaysia reckoned that “if we could settle our dispute with even one country, that was progress.” See International Crisis Group, 2012.
 10. Available at: United Nations (2009), HA 24/09. 29 May. <http://www.un.org/depts/los/clcs_new/submissions_files/mysvnm33_09/mys_re_chn_2009re_mys_vnm_e.pdf>.
 11. Ibid.
 12. This portion is drawn from Ahmad, Kuik and Lai, 2021.

References

- Abdullah, M.P. (2004), *Marine Biodiversity of Pulau Layang-Layang Malaysia*, Kuala Lumpur: Department of Fisheries, Malaysia.
- Adnan, M.A. (1978), “The Petroleum Industry in Malaysia”, PhD dissertation, University of London, London, United Kingdom. <https://eprints.soas.ac.uk/28739/1/10672907.pdf>.
- Ahmad, A.R., Kuik, C.C. and Lai, Y.M. (2021, 30 June), “PLA Overflight near Malaysian Airspace: A Precarious Provocation”, *Fulcrum*. <https://fulcrum.sg/pla-overflight-near-malaysian-airspace-a-precarious-provocation/>.
- Ahmad, M.Z. and Sani, M.A.M. (2017), “China's Assertive Posture in Reinforcing its Territorial and Sovereignty Claims in the South China Sea: An Insight into Malaysia's Stance”, *Japanese Journal of Political Science*, Vol. 18, No. 1, pp. 67–105. <https://doi.org/10.1017/S1468109916000323>

- Alatas, S.M. (2021), “A Malaysian Perspective on Foreign Policy and Geopolitics: Rethinking West-Centric International Relations Theory”, *Global Studies Quarterly*, Vol. 1, No. 4. <https://doi.org/10.1093/isagsq/ksab031>
- Asia Maritime Transparency Initiative (2015, 29 July), “Airpower in the South China Sea”, <<https://amti.csis.org/airstrips-scs/>>.
- Asia Maritime Transparency Initiative (2021), “Swallow Reef”, Center for Strategic and International Studies, <<https://amti.csis.org/swallow-reef/>>.
- Asner, G.P., Martin, R.E. and Mascaro, J. (2017), “Coral Reef Atoll Assessment in the South China Sea using Planet Dove Satellites”, *Remote Sensing in Ecology and Conservation*, Vol. 3, No. 2, pp. 57–65. <https://doi.org/10.1002/rse2.42>
- Baruah, D. (2018, 20 April), “Island as Game Changers in the Indian Ocean”, Asia Maritime Transparency Initiative, <<https://amti.csis.org/islands-game-changers-indian-ocean/>>.
- Bass, S. and Dalal-Clayton, B. (1995), “Small Island States and Sustainable Development: Strategic Issues and Experience”, *Environmental Planning Issues*, No. 8, pp. 1-59, <<https://pubs.iied.org/sites/default/files/pdfs/migrate/7755IIED.pdf>>.
- Beckman, R. (2010, 18 August), “Vexing Claims may Help Clarify Issues”, *The Straits Times*, < <https://eresources.nlb.gov.sg/newspapers/digitised/issue/straitstimes20100818-1>>.
- Black, A. and Black, C. (1873), *Indian Archipelago and Further India including Burmah, Siam, Anam, & c.*, <<https://www.raremaps.com/gallery/detail/19714/indian-archipelago-and-further-india-including-burmah-siam-black>>.
- Catley, B. and Keliat, M. (1997), *Spratlys: The Disputes in the South China Sea*, Singapore: Ashgate.
- Chee, P.E. (1995), *Tuna Fisheries Interactions in Malaysia*, Penang: Fisheries Research Institute, <<http://www.fao.org/3/W3628E/w3628e0k.htm>>.
- Chung, C. (2000), “Confidence-Building Measures in the South China Sea”, in Hung-mao Tien and Tun-jen Cheng (eds), *The Security Environment in the Asia-Pacific*, London, England: M.E. Sharpe.
- CO 144/66- Labuan No. 21957, Spratly Island and Amboyna Cay.
- Coral Reef Initiative for the South Pacific (CRISP) (2014), “Swallow Reef”, NUS Centre for International Law, <<https://cil.nus.edu.sg/wp-content/uploads/2017/08/Swallow-Reef-Final.pdf>>.
- David, A. (2019). “How Malaysia’s Five Naval Stations at Spratlys Were Built”, *New Straits Times*, March 4, <<https://www.nst.com.my/news/nation/2019/03/465854/how-malysias-five-naval-stations-spratlys-were-built>>.
- Edel, C. (2018, 3 April), “Small Dots, Large Strategic Areas: US Interests in the South Pacific”, *The Interpreter*, <<https://www.lowyinstitute.org/the-interpreter/small-dots-large-strategic-areas-us-interests-south-pacific>>.
- Erickson, A.S. and Wuthnow, J. (2016, 5 February), “Why Islands still Matters in Asia: The Enduring Significance of the Pacific ‘Island Chain’”, *The National Interest*, <<http://nationalinterest.org/feature/why-islands-still-matter-asia-15121>>.
- Estina, A.P.D. (2013), “Implications of the Submission of Claims for Extended Continental Shelf in the South China Sea”, RCAPS Working Paper Series “Dojo”, Ritsumeikan Center for Asia Pacific Studies (RCAPS), Ritsumeikan Asia Pacific

- University (APU), Tokyo, Japan, <http://www.apu.ac.jp/rcaps/uploads/fckeditor/publications/workingPapers/RCAPS_RPD-12002.pdf>.
- Evers, H. (2019), "Connecting Oceans: Malaysia as a Maritime Nation", in Hans-Dieter Evers, Abdul Rahman Embong, and Rashila Ramli (eds), *Malaysia as a Maritime Nation*, Bangi: Penerbit Universiti Kebangsaan Malaysia.
- FCO 881/5741- Borneo; Memorandum. Grant of lease to central Borneo Company to work guano on Spratly Island.
- Finkbeiner, J. (2013), "Malaysia's Great Power Balance and the South China Sea Disputes", USAWC Strategy Research Project. Carlisle, PA: U.S. Army War College.
- FO 881/5740- Borneo: Memo. Intention of Central Borneo Company to Exploit Guano from Sprattley Island and Amboyna Cay (Mr. A. Walmisley).
- FO 881/5741- Borneo: Memo. Grant of Lease to Central Borneo Company to work Guano on Spratly Island and Amboyna Cay. (Sir. E. Hertslet).
- Geological Survey Department (1949), *Annual Report of the Geological Survey, Borneo Region Malaysia*. Arkib Negara Malaysia, Kuala Lumpur, Malaysia.
- Geological Survey Department (1963), *Annual Report of the Geological Survey, Borneo Region Malaysia*. Arkib Negara Malaysia, Kuala Lumpur, Malaysia.
- Haller-Trost, R. (1998), *The Contested Maritime and Territorial Boundaries of Malaysia: An International Law Perspective*, Cambridge, MA: Kluwer Law International.
- Hamzah, B.A. (1990), *The Spratlies: What Can Be Done to Enhance Confidence*, Kuala Lumpur: Institute of Strategic and International Studies
- Hamzah, B.A. (2014, 1 July), "China's James Shoal Claim: Malaysia's the Undisputed Owner", *RSIS Commentaries*, <<https://www.rsis.edu.sg/rsis-publication/rsis/chinas-james-shoal-claim-malaysia-the-undisputed-owner/>>.
- Hamzah, B.A. (2020), "Malaysia Treads Carefully Amid Spratly Tensions", *Asia Sentinel*, <<https://www.asiasentinel.com/p/malaysia-treads-carefully-amid-spratly/>>.
- Hamzah, B.A., Leong, A. and Forbes, V.L. (eds), (2020), *Malaysia and South China Sea: Policy, Strategy and Risks*, Kuala Lumpur: National Defence University of Malaysia.
- Hancox, D. and Prescott, V. (1995), *A Geographical Description of the Spratly Islands and an Account of Hydrographic Surveys Amongst Those Islands*, Maritime Briefing Series, Vol. 1, No. 6, Durham: International Boundaries Research Unit, University of Durham.
- Hong, N. (2012), *UNCLOS and Ocean Dispute Settlement: Law and Politics in the South China Sea*, London: Routledge.
- Horsburgh, J. (1821), "China Sea Sheet 1 (Singapore, Siam, Cambodia, Mindanao, Borneo)", *Rare Maps*. <<https://www.raremaps.com/gallery/detail/67329/china-sea-sheet-1-singapore-siam-cambodia-mindanao-born-horsburgh/>>.
- Horsburgh, J. (1843), *India Directory or Directions for Sailing to and from the East Indies, China, Australia, and the Interjacent Ports of Africa and South America: Compiled Chiefly from Original Journal of the Honourable Company's Ships, and from Observations and Remarks, Resulting from the Experience of Twenty-One Years in the Navigation of Those Seas*, Vol. 2, London: WM. H. Allen.
- Hutchison, C.S. (2010), "The North Borneo Trough", *Marine Geology*, Vol. 271, No. 1-2, pp. 32-43.

- International Crisis Group (2012, 24 July), “Stirring up the South China Sea (II): Regional Responses”, *Asia Report*. <https://d2071andvip0wj.cloudfront.net/229-stirring-up-the-south-china-sea-ii-regional-responses.pdf>.
- Kazumine, A. (2013, 9 October), “The Strategic Value of Territorial Islands from the Perspective of National Security”, *Review of Island Studies*, <<http://islamdstudies.oprf-info.org/research/a00008/>>.
- Khalid, N. (2011), “South China Sea: Taming the Turbulence”, Paper presented at the Manila Conference on the South China Sea, Manila, Philippines.
- Kuik, C.C. (2013), “Making Sense of Malaysia’s China Policy: Asymmetry, Proximity, and Elite’s Domestic Authority”, *The Chinese Journal of International Politics*, Vol. 6, No. 4, pp. 429–467. <https://doi.org/10.1093/cjip/pot006>
- Kuik, C.C. and Ahmad, A.R. (2021), “Malaysia’s Resilient (but Ambiguous) Partnership with the United States: The Dilemmas of Smaller States in the Indo-Pacific Era”, *Asia Policy*, Vol. 16, No. 4, pp. 86–95. <https://doi.org/10.1353/asp.2021.0056>
- Kukreja, D. (2013), “Andaman and Nicobar Islands: A Security Challenge for India”, *Indian Defence Review*, Vol. 28, No. 1. http://www.indiandefencereview.com/idr-issues/?issue_id=133.
- Lai, Y.M. (2015), “Malaysia’s Security Concerns: A Contemporary Assessment”, in Meredith L. Weiss (ed.), *The Routledge Handbook of Contemporary Malaysia*, London: Routledge, pp. 391–402.
- Lai, Y.M. (2018), “What’s the Fuss About “Islands”? The Significance of Maritime Terrestrial Features from a Geo-Security Perspective”, *SIRC Newsletter*, Vol. 1, pp. 14-21. <https://doi.org/10.1353/asp.2021.0056>
- Lai, Y.M. and Kuik, C.C. (2021), “Structural Sources of Malaysia’s South China Sea Policy: Power Uncertainties and Small-State Hedging”, *Australian Journal of International Affairs*, Vol. 75, No. 3, pp. 277-304. <https://doi.org/10.1080/10357718.2020.1856329>
- Latiff, R. and Ananthalakshmi, A. (2020, 23 April), “Malaysia Calls for Peaceful End to Months-Long South China Sea Standoff”, *Reuters*. <https://www.reuters.com/article/us-malaysia-china-southchinasea-idUSKCN2250GW>.
- Leong, A.K.W. (2020), “The Strategic Logic of Malaysia’s Muted Response to the South China Sea Standoff”, *RUSI Newsbrief*, Vol. 40, No. 4.
- Li, X.K. and Jiang, W.J. (2009, 4 June), “Malaysian PM Wants Friendly Talks”, *China Daily*, <http://www.chinadaily.com.cn/china/2009malaysia/2009-06/04/content_8236877.htm>.
- Liow, J.C. (2009), “Malaysia’s Post-Cold War China Policy: A Reassessment”, in Jun Tsunekawa (ed), *The Rise of China: Responses from Southeast Asia and Japan*, Tokyo: The National Institute for Defense Studies, pp. 47–79.
- Majid, N.A. (2017, 19 June), “Malaysia Loses RM6b Annually due to Illegal Fishing in the South China Sea”, *New Straits Times*. [https://www.nst.com.my/news/nation/2017/06/250427/malaysia-loses-rm6b-annually-due-illegal-fishing-south-china-sea#:~:text=Malaysia%20loses%20RM6b%20annually%20due%20to%20illegal%20fishing%20in%20South%20China%20Sea,-By%20NOORSILA%20ABD&text=PUTRAJAYA%3A%20Malaysia%20loses%20RM6%20billion,the%20Fisheries%20Department%20\(DOF\).](https://www.nst.com.my/news/nation/2017/06/250427/malaysia-loses-rm6b-annually-due-illegal-fishing-south-china-sea#:~:text=Malaysia%20loses%20RM6b%20annually%20due%20to%20illegal%20fishing%20in%20South%20China%20Sea,-By%20NOORSILA%20ABD&text=PUTRAJAYA%3A%20Malaysia%20loses%20RM6%20billion,the%20Fisheries%20Department%20(DOF).)

- Mak, J.N. (2004), "Malaysian Defense and Security Cooperation: Coming Out of the Closet", in See Seng Tan and Amitav Acharya (eds), *Asia-Pacific Security Cooperation: National Interests and Regional Order*, New York: An East Gate Book, pp. 127–153.
- Mak, J.N. (2009), "Sovereignty in ASEAN and the Problem of Maritime Cooperation in the South China Sea", in Sam Bateman and Ralf Emmers (eds), *Security and International Politics in the South China Sea: Towards a Cooperative Management Regime*, New York: Routledge, pp. 110–127.
- Malay Mail* (2019, 4 September), "Fisheries Dept: Malaysia Loses RM6b a Year to Illegal Fishing", <<https://www.malaymail.com/news/malaysia/2019/09/04/fisheries-dept-malaysia-loses-rm6b-a-year-to-illegal-fishing/1787016>>.
- Malaysian Ministry of Defence (2020), *Defence White Paper: A Secure, Sovereign and Prosperous Malaysia*, Kuala Lumpur, Malaysia: Ministry of Defence, <<https://www.mod.gov.my/images/mindef/article/kpp/DWP-3rd-Edition-02112020.pdf>>.
- Malaysian Ministry of Foreign Affairs, (2021, 19 September), "Announcement by Australia, United Kingdom and the United States on Enhanced Trilateral Security Partnership—AUKUS", <<https://www.kln.gov.my/web/guest/-/announcement-by-australia-united-kingdom-and-the-united-states-on-enhanced-trilateral-security-partnership-aukus>>.
- Mancini, C.V., Dowse, S.E.W. and Chevaillier, J.M. (1983), "Caisson Retained Island for Canadian Beaufort Sea-Geotechnical Design and Construction Considerations", Paper presented at the Offshore Technology Conference, Houston, Texas, United States. <https://doi.org/10.4043/4581-MS>
- Milner, A. (2020), "Long-term Themes in Malaysian Foreign Policy: Hierarchy Diplomacy, Non-interference and Moral Balance", *Asian Studies Review*, Vol. 44, No. 1, pp. 117–135. <https://doi.org/10.1080/10357823.2019.1689229>
- Mohamad, K. (2012), "The Way Forward: The Necessary First Steps Towards a Solution", Paper presented at the Second MIMA South China Sea Conference, Kuala Lumpur, Malaysia.
- Mohamad, M. (2011), *A Doctor in the House: The Memoirs of Tun Dr. Mahathir Mohamad*, Petaling Jaya: MPH Publishing.
- Moorthy, V.K. (1982), "Changes in the Federal-State Ownership and Exploitation of Petroleum Resources in Malaysia", *Malaya Law Review*, Vol. 24, No. 1, pp. 186-204.
- Nasir, M. and Dahalan, W.S.A.W. (2017), "The Islands Claimed by Malaysia in the Spratly Islands: A Review Based on United Nations Convention on the Law of the Sea 1982", *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, Vol. 22, No. 9, pp. 7-17.
- New Straits Times (1983, 16 September), "Deputy Minister: We Will Not Quit Island", *New Straits Times*, p. 2.
- Ngeow, C.B. (2020, 3 June), "South China Sea Tensions: Malaysia's Strategic Dilemma", *SCSPI*, <<http://www.scspi.org/en/dtfx/1591153812>>.
- Ngeow, C.B. (2021a), "Malaysia-China Defence Relations: Disruptions Amid Political Changes and Geopolitical Tensions", *ISEAS Perspective*, No. 57, <https://www.iseas.edu.sg/wp-content/uploads/2021/03/ISEAS_Perspective_2021_57.pdf>.

- Ngeow, C.B. (2021b), “Have Friendly Malaysia-China Relations Gone Awry?”, *Carnegie Endowment for International Peace*, 16 July, <<https://carnegieendowment.org/2021/07/16/have-friendly-malaysia-china-relations-gone-awry-pub-84981>>.
- Nizam, B. (2012), “The Search for Sustainability and Security: Malaysia’s Maritime Challenges and Priorities”, in Joshua Ho and Sam Bateman (eds), *Maritime Challenges and Priorities in Asia: Implications for Regional Security*, Oxon & New York: Routledge, pp. 72-82.
- Noor, E. (2017), “Understanding Malaysia’s Approach to the South China Sea Dispute”, in Murray Hiebert, Gregory B. Poling, and Connor Cronin (eds), *In the Wake of Arbitration: Papers from the Sixth Annual CSIS South China Sea Conference*, Washington, DC: Center for Strategic and International Studies (CSIS), pp. 18–29.
- Noor, E. (2019). *Foreign and Security Policy in the New Malaysia*. Sydney: Lowy Institute.
- Noor, E. (2021, 26 November), “Malaysia on the Horns of an AUKUS Dilemma”, *Asia Times*, <<https://asiatimes.com/2021/11/malaysia-on-the-horns-of-an-aukus-dilemma/>>.
- Norie, J.W. (1821), “A New Chart of the China Sea, and East India Archipelago, Comprehending the Sunda Molucca & Phillippine Islands”, *Rare Maps*, <<https://www.raremaps.com/gallery/detail/60821/a-new-chart-of-the-china-sea-and-east-india-archipelago-co-norie>>.
- O’Brian, P. (2012, 1 September), “Guadacanal: The Springboard of the Pacific”, *Ranger Journal*, <https://www.nps.gov/nama/blogs/guadacanal-the-springboard-of-the-pacific_221136.htm>.
- Palansamy, Y. (2021, 12 October), “Hishammuddin: AUKUS Can Potentially Disrupt South-East Asian Peace; Malaysia Won’t Stand By”, *Malay Mail*, <<https://www.malaymail.com/news/malaysia/2021/10/12/hishammuddin-aukus-can-potentially-disrupt-south-east-asian-peace-malaysia/2012724>>.
- Parameswaran, P. (2015, February), “Playing It Safe: Malaysia’s Approach to the South China Sea and Its Implications for the United States”, *CNAS Maritime Strategy Series*, <https://s3.us-east-1.amazonaws.com/files.cnas.org/documents/CNAS-Maritime-6_Parameswaran_Final.pdf?mtime=20160906081622&focal=none>.
- Permal, S. (2016), “Malaysia’s Diplomatic and Security Responses”, in Fu-Kuo Liu and Jonathan Spangler (eds), *South China Sea Lawfare: Legal Perspectives and International Responses to the Philippines v. China Arbitration Case*, Taipei: South China Sea Think Tank, pp. 111–118.
- Permal, S. (2020, 5 February), “Advancing Malaysia’s Maritime Aspirations in a Complex Environment”, *CSIS Asia Maritime Transparency Initiative*, <<https://amti.csis.org/advancing-malysias-maritime-aspirations-in-a-complex-environment/#:~:text=Advancing%20Malaysia’s%20Maritime%20Aspirations%20in%20a%20Complex%20Environment,-By%20Sumathy%20Permal&text=Malaysia%20is%20surrounded%20by%20busy,to%20the%20nation’s%20economic%20life>>.

- Povera, A. (2021, 18 September), "Malaysia Concerned with Trilateral AUKUS Security Pact", *New Straits Times*, <<https://www.nst.com.my/news/nation/2021/09/728403/malaysia-concerned-trilateral-aucus-security-pact>>.
- Radio Free Asia (2021, 18 October), "Chinese Survey Vessel Leaves Malaysian Waters 2 Weeks After Protest", <<https://www.rfa.org/english/news/china/malaysia-southchinasea-10182021170545.html>>.
- Rahim, R., Tan, T. and Carvalho, M. (2021, 26 October), "M'sia Firmly Committed to FPDA despite AUKUS Emergence, Says Hisham", *The Star*, <<https://www.thestar.com.my/news/nation/2021/10/26/msia-firmly-committed-to-fpda-despite-aucus-emergence-says-hisham>>.
- Rahman, F.A., Mohamed, N.A.J. and Nor, M.Y. (2018), *Guardian of the Frontier: Gugusan Semarang Peninjau*, Kuala Lumpur: Royal Malaysian Navy Sea Power Centre.
- Richardson, M. (1983, 12 September), "Malaysia, Viets dispute island", *The Age*, p. 7.
- Roach, J.A. (2014, August), "Malaysia and Brunei: An Analysis of their Claims in the South China Sea", *CNA Occasional Paper*, <https://www.cna.org/cna_files/pdf/IOP-2014-U-008434.pdf>.
- Royal Malaysian Navy (2018), *Guardian of the Frontier*, Kuala Lumpur: RMN Sea Power Centre.
- Sabah State Archives (SSA), AE/18/3/. (1985), "Shell in Sabah."
- Salleh, A., Razali, C.H.C.M. and Jusoff, K. (2009), "Malaysia's Policy Towards Its 1963-2008 Territorial Disputes", *Journal of Law and Conflict Resolution*, Vol. 1, No. 5, pp. 107-116.
- Sebastian, M.A. (2020, 15 May), "Balancing Priorities, Weighing Options at Land, Sea", *New Straits Times*, <<https://www.nst.com.my/opinion/columnists/2020/05/592662/balancing-priorities-weighing-options-land-sea>>.
- Singh, I. (2020), "Malaysia's Approach Towards Illegal, Unreported and Unregulated (IUU) Fishing in South China Sea", in B.A. Hamzah, Adam Leong and Vivian Louis Forbes (eds), *Malaysia and South China Sea: Policy, Strategy and Risks*, Kuala Lumpur: Centre for Defence and International Security Studies (CDiSS), National Defence University of Malaysia, pp. 173-202.
- South China Morning Post* (2019, 16 February), "Why are Tensions Running High in the South China Sea Dispute?", <<https://www.scmp.com/week-asia/article/2186449/explained-south-china-sea-dispute>>.
- Stemfoort, J.W. (1885), "Kaart Van het Noordelijk Gedeelte (benoorden 1 N.B.) Van Het Eiland Borneo", *Rare Maps*. <https://www.raremaps.com/gallery/detail/51682/borneo-kaart-van-het-noordelijk-gedeelte-benoorden-1-nb-stemfoort>.
- Storey, I. (2011), *Southeast Asia and the Rise of China: The Search for Security*, London: Routledge.
- Suorsa, O.P. (2020), "China's Artificial Islands in South China Sea: Extended Forward Presence", *RSIS Commentaries*, No. 42, <https://www.rsis.edu.sg/rsis-publication/idss/chinas-artificial-islands-in-south-china-sea-extended-forward-presence/#.Ybar2_FBxTY>.
- The Chief Minister of the State of Sabah and Oceanic Exploration and Development Corporation (1969, 2 April), *Oil Prospecting License (Marine Areas)*, Arkib Negara Malaysia, Kuala Lumpur, Malaysia.

- Topographisch Bureau te Batavia (1902), *Kaart van het eiland Borneo* [Map of the island of Borneo], Leiden University Libraries, Digital Collection, Leiden, Netherlands. <http://hdl.handle.net/1887.1/item:2012787>.
- United Nations (1966), Continental Shelf Act, 28 July, <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/MYS_1966_Act.pdf>.
- United Nations (1984), Exclusive Economic Zone Act 1984, <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/MYS_1984_Act.pdf>.
- United Nations (2009), HA 24/09, 29 May, <http://www.un.org/depts/los/clcs_new/submissions_files/mysvnm33_09/mys_re_chn_2009re_mys_vnm_e.pdf>.
- United Nations. (2020), HA 26/20, 29 July, <https://www.un.org/Depts/los/clcs_new/submissions_files/mys_12_12_2019/2020_07_29_MYS_NV_UN_002_OLA-2020-00373.pdf>.
- Uras, A. (2017), “Malaysian Politics and the South China Sea Dilemma”, in Sophie Lemiére (ed), *Illusions of Democracy: Malaysian Politics and People Volume II*, Kuala Lumpur: SIRDC, pp. 103-116.
- Valencia, M.J., Dan Vyke, J.M. and Ludwig, N.A. (1997), *Sharing the Resources of the South China Sea*, The Hague: Kluwer Law International.
- Wong, S. (2021), *CSCAP Regional Security Outlook 2022*, Canberra: Council for Security Cooperation in the Asia Pacific.
- World Tourism Organisation (2002), *The Economic Impact of Tourism in the Islands of Asia and the Pacific*, Madrid: World Tourism Organization.
- Wu, S. (2013), *Solving Disputes for Regional Cooperation and Development in the South China Sea: A Chinese Perspective*, Oxford, UK: Chandos Publishing.
- Yasin, M.T., Rahman, A.A. and Ahmad, J.R. (2020), “Malaysia’s Occupation of Spratly Features: A Special Operation by PASKAL”, in B.A. Hamzah, Adam Leong and Vivian Louis Forbes (eds), *Malaysia and South China Sea: Policy, Strategy and Risks*, Kuala Lumpur: Centre for Defence and International Security Studies (CDiSS), National Defence University of Malaysia, pp. 12-33.
- Yusoff, Y. (2021), “Malaysia’s Maritime Security Management: In Dire Need of a Policy Guidance”, in Ivan Mario Andrew and Wan Izatul Asma Wan Talaat (eds), *Malaysia a Maritime Nation Agenda: Charting the Passage*, Kuala Lumpur: Royal Malaysian Navy Sea Power Centre.
- Zhang, L. (2006), *Nanhai Wanlixing [The South China Sea: The Thousand-Mile Voyage]*, Beijing: Haiyang Chubanshe.
- Zhang, R. (2021, 7 March), “South China Sea: What are Rival Claimants Building on Islands and Reefs?”, *South China Morning Post*, <<https://www.scmp.com/news/china/diplomacy/article/3124309/south-china-sea-what-are-rival-claimants-building-islands-and>>.
- Ziezulewicz, G. (2020, 9 May), “Navy Ships Head into South China Sea to Counter Beijing ‘Bullying’”, *Military Times*, <<https://www.militarytimes.com/news/your-navy/2020/05/08/navy-ships-head-into-south-china-sea-to-counter-beijing-bullying/?contentQuery=%7B%22section%22%3A%22%2Fhome%22%2C%22exclude%22%3A%22%2Fnews%2Fyour-military%22%2C%22from%22%3A215%2C%22size%22%3A10%7D&contentFeatureId=f0fmoahPVC2A6fL-2-1-8>>.