



## **Malaysia's Standpoint in the China/US Conflict in the South China Sea Disputes**

Student's Name

Institutional Affiliation

Course Name and Number

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Due Date

## **Theoretical Framework of the Case Study**

Kok et al. (2021) noted that, in contrast to Vietnam and the Philippines, which have taken aggressive approaches to the sovereignty dispute, Malaysia looks to be taking a non-confrontational stance on the issue. Malaysia's approach to China is pragmatic; the country places a premium on the fast-growing economic links between the two countries. Malaysia's attitude to China is strikingly similar to how it has dealt with the United States, its most important economic and trading partner for the past four decades. Malaysia's military links with the United States are growing stronger as the country's economic relationship with the United States stays strong (Kok et al., 2021). However, Malaysia has not raised its own defense spending much, suggesting that the country does not see China as a serious military threat. The ongoing dispute between Malaysia and China regarding the sovereignty of specific areas within the Spratly Islands is expected to persist without a conclusive resolution in the foreseeable future. Both nations are inclined to downplay this disagreement in order to prioritize the development of stronger economic relations. Additionally, Malaysia will continue to cultivate robust economic and military alliances with the United States. Meanwhile, in keeping with its continuous policy of wanting to develop ASEAN, Malaysia would continue to urge for an enlarged role for ASEAN in seeking the resolution of the conflicts.

According to Aziz and Basir (2022), on May 6, 2009, the Eastern region of Malaysia submitted an official claim to the United Nations Commission on the Limits of the Continental Shelf regarding the Spratly Islands situated in the South China Sea. Both Malaysia and Vietnam submitted their claims collectively prior to the deadline set for all signatory nations of the United Nations Convention on the Law of the Sea. A portion of Malaysia's continental shelf located adjacent to the Borneo coast has been encompassed in the joint territorial assertion made by both nations about the South China Sea (Aziz and Basir, 2022). After making a similar declaration in 1996, Malaysia submitted it under UNCLOS after ratifying it.<sup>8</sup> China was quick to express its opposition to the Malaysian-Vietnamese proposal.

As stated by Harris et al. (2021), Vietnam has seriously infringed China's sovereignty..." the message continued. A map of the South China Sea was included with China's message, on which the country's territorial claims were marked. However, as pointed out by Carlyle Thayer, China has never offered a convincing justification for its claim to "indisputable sovereignty" over virtually the whole South China Sea. The establishment of a Chinese 200-mile EEZ in the Spratly Islands cannot be indisputably supported

by China's occupation of the nine rocks, as international law only acknowledges EEZs that are founded on islands capable of sustaining human habitation and possessing economic functionality (Putra, 2021).

However, China's nine-dash claim overlaps with that of Vietnam, the Philippines, and Malaysia, whose 200-mile-long EEZs appear to be considerably clearer. On May 20, 2009, Malaysia responded to China's communication by affirming that the submission made by Malaysia and Vietnam in May, which outlined the boundaries of their respective continental shelves in the South China Sea, was a valid action taken to fulfill the duties of States Parties to the UNCLOS. According to the email dated May 20, Malaysia had communicated its position to China before jointly submitting their proposal to the UN Commission on the Limits of the Continental Shelf. It was emphasized that this submission did not affect the positions of states involved in land or maritime disputes. Salleh et al., 2021), Malaysia's claim to the territory it disputes with China appears to be more solid. Malaysia's claim in the South China Sea is perceived to be stronger because of its adherence to the UNCLOS concept, which stipulates that the establishment of economic zones should be grounded in considerations of land and insular territories. The Chinese assertions on the occupation of geographical features, which may or may not meet the criteria of being "insular" according to UNCLOS, are comparatively less significant when compared to the established sovereignty of Malaysia over a well-recognized landmass such as Sabah (Sebastian, 2021).



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