

# THE JOURNAL OF DEFENCE AND SECURITY

Volume 5 Number 1 / 2014

ISSN 2180-284X

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The Journal of Defence and Security is a publication of the Malaysian Institute of Defence and Security (MiDAS). The journal publishes original papers and reviews covering all aspects of defence and security. It is a platform to remote awareness on the capabilities and requirements of modern defence & security technologies and policies, covering topics in the areas of, but not limited to, Evolution of Military Information & Communication Systems, Smart Weapons, Military Engineering, Intelligence, Surveillance & Reconnaissance, Biological & Chemical Terrorism Countermeasures, Personnel Protection & Performance, Military Medicine, Emergent Naval Technology, Defence & Security and Strategic Management.

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## **TERRORISM TRENDS AND CHALLENGES: UNDERSTANDING THE EMERGENCE OF 'AL QAEDA GALAXY'**

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### **ABSTRACT**

*This article examines the religiously inspired New Terrorism phenomenon, explaining how it differs from previous secular-oriented waves of terrorism. It then assesses the ways in which operational, ideological and technological trends have contributed to the evolution of the New Terrorist threat over the past decade, drawing attention to the rise of the its latest mutation; small, autonomous cells and lone actors or lone wolves. The article ends by outlining five dimensions of an overall strategy to cope with the constantly evolving New Terrorist challenge.*

*Keywords: New Terrorism; Al Qaeda; lone wolves.*

### **INTRODUCTION**

The September 11, 2001 Al Qaeda attacks on New York and Washington D.C. that killed almost 3,000 people forcefully dramatized to the world that transnational, religiously motivated terrorism posed a serious threat to the security of contemporary states and societies. The immediacy of the threat was brought home to Southeast Asia as well: following a narrowly thwarted terrorist attack by the Al Qaeda-affiliated, Indonesian-based Jemaah Islamiyah (JI) terrorist network on Western diplomatic and commercial institutions in the city-state of Singapore three months after September 11, and the Bali bombings of October 12, 2002 that killed 202 civilians, mainly Australians. These events demonstrated that urgent action was needed to cope with this challenge [1]. Despite more than a decade of intense military and law enforcement pressure against these so-called 'New Terrorist' networks in Southeast Asia, South Asia, the Middle East and elsewhere, the threat remains significant, and more importantly, constantly mutating. This article has three aims. First, it seeks to briefly examine the religiously inspired New Terrorism phenomenon. Second, it will assess the ways in which operational, ideological and technological trends have contributed to the evolution of the New Terrorist threat over the past decade, drawing attention to the rise of the its latest mutation; small, autonomous cells and lone actors or lone wolves. Third and finally, it will suggest fresh ways to cope with the constantly evolving New Terrorist challenge.

## THE NEW TERRORISM

The term 'terrorism' remains a highly contested concept that eludes a widely accepted legal definition. Instead there have been a plethora of definitions, but the basic understanding is that it involves the use or threat of extra-normal violence against noncombatants to induce political change in society [2]. 'New Terrorism' is a more recent term that has been used to describe the current wave of religiously motivated transnational terrorism. There are other terms in circulation, such as super-terrorism, catastrophic terrorism and apocalyptic terrorism, all of which suggest a type of terrorism in which the aim is to inflict mass casualty attacks on civilian populations. Previous secular nationalist or left-wing revolutionary forms of terrorist organizations, such as for example the various Communist Party armed wings of the 1940s to 1960s in Southeast Asia, and the left-wing revolutionary groups such as the Japanese Red Army, Red Army Faction of West Germany, the Italian Red Brigades and the Palestinian Liberation Organization in the late 1960s/1970s by and large sought to employ terrorist violence as a tool of political communication. The idea was to use carefully calibrate violence to induce the government of the day to make concessions over some specific issue such as political/cultural autonomy or independence, the release of terrorist prisoners, etc. These groups sought relatively concrete political aims that could be attained and hence violence, though often brutal and deliberately shocking, was nevertheless used against clearly defined targets widely seen as collaborators with the putative 'enemy'. While there were exceptions, violence was generally not meted out indiscriminately for fear of alienating the wider community of support of such organizations. The latter were after all seeking to portray themselves in their own internal mobilizing and recruitment propaganda as courageous and honorable 'freedom fighters', out to bring down an unjust system [3].

The New Terrorists of today – be they Al Qaeda, JI or likeminded ideological bedfellows - are however driven by a form of religious logic that quickly suspends all attempts at rational calculus of the perceived costs and benefits of the use of violence. Rather the aim is more primordial: to cleanse the earth of 'unclean' and morally evil unbelievers, and forcibly establish a theocratic system in which God's Law rules supreme. Hence JI at one time sought to establish a pan-Southeast Asian caliphate stretching from southern Thailand to Australia; while Al Qaeda has been said to seek the revival of a multi-national caliphate last seen during the time of the Ottomans, but this time spanning Morocco to Mindanao. Not only has the practical political and administrative operationalization of such a theocratic vision proven elusive, the practical implications of a moral worldview that consigns unbelievers to a permanent state of social death, in effect loosens any reasonable restraints in the use of violence against them. After all, if the idea is to cleanse the earth of filth rather than to arrive at a mutually acceptable negotiated agreement by all parties, what should stop the New Terrorists from employing weapons of mass destruction against unbelievers? This is precisely why Al Qaeda has actively sought tactical nuclear devices while JI has tried to build a WMD capability. Failing that, the New Terrorists would readily employ any conventional, technical means to wreak mass casualties on civilians they have never even met - but

which their religiously inspired categorical thinking classifies as unbelievers deserving only of divine punishment [4].

Proof of this assertion is amply available; the September 11, 2001 and October 12, 2002 attacks aside, the November 2008 Lashkar-e-Toiba-orchestrated Mumbai attacks on hotels and cafes frequented by Western tourists [5] and the September 2013 Westgate Mall attacks by Al-Shabaab in Nairobi demonstrate that the dangerous religiously-driven, mass-casualty logic of the New Terrorists remains a latter-day concern [6]. The New Terrorists include within their ranks many often well-educated, though alienated and frustrated, middle-class, technically trained professionals well able to leverage on the tools and materials of modern technology to construct improvised explosive devices (IEDs), such as the late JI bomb-maker, Dr Azhari Husin, and the Al Qaeda and JI-linked anthrax specialist, Yazid Sufaat. More than that, accelerating advances in modern information technology, exemplified by free web-based email, cheap mobile phones and inexpensive Internet broadband access have enabled New Terrorist networks to overcome geographical limitations and law enforcement surveillance of physical movement, to engage in virtual recruitment, training and co-ordination of their activities across widely dispersed zones of operations [7].

## **THE EVOLUTION OF THE NEW TERRORIST THREAT SINCE SEPTEMBER 11, 2001**

In large part due to intense security and intelligence action since 9/11, the New Terrorist threat has evolved. Leading terrorism scholar Bruce Hoffman has offered one useful way of thinking about how the exemplar of the transnational New Terrorist threat, the globalized Al Qaeda network - led by the Saudi extremist, Osama bin Laden until his demise in May 2011, and since then guided by the Egyptian extremist, Ayman Al-Zawahiri - has mutated this past decade. According to Hoffman, the current configuration of the globalized Al Qaeda movement comprises four distinct, but not mutually exclusive, dimensions in 'descending order of sophistication. First, 'Al-Qaeda Central', comprising the remnants of the pre-9/11 al-Qaeda organization. Second, 'Al-Qaeda Affiliates and Associates', including its franchise networks such as Al Qaeda in the Arabian Peninsula (AQAP), Al Qaeda in the Islamic Maghreb (AQIM), as well as the Islamic Movement of Uzbekistan, Jabhat al-Nusra in Syria, al-Shabaab in Somalia, and Islamic State of Iraq and Sham (ISIS) in Iraq, amongst others. Third, 'Al-Qaeda Network', comprising 'amorphous groups of Al-Qaeda adherents who are likely to have had some prior terrorism experience' and connection with 'Al-Qaeda Central', such as the home-grown British extremists that attacked London's train and bus network on July 7, 2005. Fourth and finally, 'Al-Qaeda Galaxy', comprising 'home-grown Islamic radicals who have no direct connection with al-Qaeda' but are 'prepared to carry out attacks in solidarity with or support of al-Qaeda's radical jihadi agenda' [8]. Hoffman asserts that what holds this global Al Qaeda movement together is an ideological narrative of 'a shared sense of enmity and grievance towards the United States and the West in general, and their host-nations in particular' [9].

## AL QAEDA GALAXY: THE RISE OF LONE WOLVES AND SMALL CELLS

Hoffman's aforementioned Al Qaeda Galaxy layer seems to have assumed increasing importance in recent years. Following the Boston marathon terrorist bombing of April 2013, US President Barack Obama acknowledged that one of the dangers nations now face are 'self-radicalized individuals' who might not be part of any network; in short lone actors or lone wolves. Obama offered one reason why the threat of lone-wolf terrorism has emerged in recent years; '*the pressure we put on al Qaeda and other networks that are well financed and more sophisticated has pushed potential terrorists to the margins, where they are forced to plot smaller-level attacks that are tougher to track*' [10]. Intensified security force pressure aside, ideological trends in violent Islamist websites since the mid-2000s have also stressed operational decentralization to small autonomous cells and lone wolves. In the mid-2000s the Syrian Al Qaedaist ideologue Abu Musab Al-Suri published his well-known tract *The Call for Global Islamic Resistance*, in which he argued for more autonomous small scale terrorist attacks that are harder to detect and prevent. Similarly, the late Yemen-based AQAP ideologue, Anwar al-Awlaki, promoted the importance of low-signature lone wolf action [11].

Moreover, technological trends, such as convenient, inexpensive smartphone technology, cheap Internet broadband access, as well as the emergence of Web 2.0 platforms such as Facebook, Twitter and YouTube, taken as a whole facilitate and expedite direct action by the lone wolves and small cells that populate Al Qaeda Galaxy, as well as more organized Al Qaeda affiliates such as JI. For instance, the online English-language AQAP magazine *Inspire* even had an article translated into *Bahasa* by Indonesian militants called *Make a Bomb in the Kitchen of Your Mom*. While lone wolves would not be able to cause massive 9/11-style destruction, it is all too clear from past examples what they can accomplish. For example, the Christian extremist lone wolf Timothy McVeigh was responsible for 168 deaths in the Oklahoma City bombing of April 1995; while another similar figure, the Norwegian Anders Breivik, killed 77 people in Oslo in 2011 [12]. Military strategists moreover warn of so-called Fifth Generation Warfare in which 'super-empowered' lone wolves may in the coming decade exploit digital technology to mount crippling cyber-attacks on national infrastructure or even exploit biotechnological advances to attack cities [13].

## COUNTERING THE NEW TERRORIST NETWORKS AND LONE WOLVES OF AL QAEDA GALAXY: CONCLUDING THOUGHTS

What can be done to counter the globalized, religiously motivated, technologically savvy New Terrorist, especially small cell and lone wolf-threat? Strong law enforcement and military measures, involving *inter alia*, stronger domestic and international anti-terror laws; cutting terrorist financing and logistics pipelines; strengthening border and immigration controls; enhancing intra- and interagency intelligence exchanges domestically and internationally; and effective ground operations to disrupt terrorist networks are of course necessary to counter the physical New Terrorist threat. However,



these are hardly enough to deal with the underlying religiously motivated, ideological sources of what is a constantly mutating, hydra-like phenomenon [14]. Furthermore, while the role of the Internet in disseminating the violent extremist ideology that sustains the New Terrorist threat is recognized, attempting to monitor or censor the World Wide Web by technical means is futile as there are upwards of 6,000 extremist websites now online, and the number is steadily increasing [15]. It is suggested here instead, by significantly adapting and building upon ideas by leading Indonesian counter-terror expert, Tito Karnavian, that five dimensions need to be considered in any overall strategy for countering the New Terrorists that populate Hoffman's Al Qaeda Galaxy layer in particular: Sender, Message, Recipient, Mechanism, Context [16].

1. *Sender*: The credibility of the purveyor of the extremist ideology must be studied and potential weaknesses discovered and exploited. Many violent extremist clerics, such as the late Anwar al-Awlaki, are charismatic, eloquent, and project an outward image of piety, which makes their appeals credible and appealing to impressionable young minds. 'Counter-ideologues' must thus be found that are equally eloquent and able to deliver messages in terms that would resonate with local audiences. Moreover, they must also be seen by the target community to possess unimpeachable integrity. Conversely, any potential character flaws on the part of the violent extremist ideologues must be discovered through targeted intelligence gathering and amplified via social media to destroy his credibility, and hence his ability influence the masses [17].
2. *Message*. The violent extremist message that self-radicalizes people is usually simple and easy recalled; '*the West is at war with our religion, so we must fight back*'. Counter-messaging must likewise move from highly abstract theological formulations to equally easy to recollect themes that are culturally authentic and of practical relevance to a target community. Malcolm Gladwell calls these 'sticky' messages [18].
3. *Recipient*: The vulnerable individuals in front of computer screens are usually young males whose emotional development is proceeding faster than their mental maturation. Hence, they tend to think in relatively unsophisticated black-and-white categories, and seek out the certainty and clear answers usually provided by skillful extremist ideologues. This is why critical thinking skills and what the think tank DEMOS in the UK calls digital literacy – the ability to evaluate what is read or seen online – must be inculcated in young people throughout their education [19]. This ability is arguably as, or perhaps even more important, than the content of their religious or secular academic curriculum.
4. *Mechanism*: Political liberals argue that a free-wheeling marketplace of ideas would ensure the demolition of extremist ideologies. Others argue for imposing a 'chilling effect' through legal means that restrict the circulation of certain anti-social ideas [20]. What seems to be particularly useful is a moderated debate between non-violent extremists and moderates either online or in the real world, so that the theological

weaknesses and contradictions within extremist ideologies can be exposed and debunked [21].

5. *Context:* In societies where governance is weak, and security, socio-economic welfare and justice are seen to be virtually non-existent, the chances for self-radicalization or even more organized group radicalization is very great. In particular, heavy handed police and military action – such as civilian casualties caused by drone strikes in Afghanistan and Yemen, and perceived over-use of force in police counter-terrorist operations in Indonesia - all inadvertently strengthen the extremist narrative of a war on the whole religion. In short, context facilitates the ‘ease of transmission’ of extremist ideas and radicalization into violent extremist lone wolves or small cells [22].

In sum, operational, ideological and technological trends appear to be increasingly fostering Internet-driven self-radicalization into lone wolves as well as group radicalization into small autonomous cells; in short, the Al Qaeda Galaxy dimension mentioned earlier. Therefore, it behooves governments and communities to work together, perhaps along the five dimensions described, to deal effectively with the problem. In the final analysis, substantive root-and-branch progress in the ongoing struggle against the New Terrorism can only be achieved once governments and civil societies everywhere can definitively and positively respond ‘Yes’ to the old (and paraphrased) question posed in October 2003 by former US Defence Secretary Donald Rumsfeld: ‘*Are we capturing, killing or deterring and dissuading more terrorists every day than the violent extremist ideologues are radicalizing, recruiting and deploying against us?*’ [23]

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## **“TRANS-BORDER MIGRATION: A CHALLENGE TO REGIONAL STABILITY?”**

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### **ABSTRACT**

*While trans-border migration is often linked to regional instability, it is important to realize that migration itself is rarely a driver of such instability. In fact conversely, instability is often the reason for people to move across borders, as they flee persecution and conflict, or simply seek out a better life for themselves and their families. As human mobility continues to become increasingly complex and important in the world, it is essential that migration is properly managed to ensure that, rather than contributing to regional instability, it serves as a force for increased stability for the benefit of all. As such, this paper recommends that Governments help ensure that migration contributes to regional security through: regional cooperation to prevent and combat irregular migration; comprehensive responses to crisis situations with a migration dimension; improving public perception of migrants and migration and support for migrants to integrate into host communities; and solving land and property disputes often through the use of reparations.*

*Keywords: Trans-border migration; regional instability; land and property disputes; displacement issues; International Organization of Migration (IOM);*

### **INTRODUCTION**

Human mobility has progressively become a more important issue in our world in recent years. There are an estimated 232 million migrants globally [1], including an estimate of up to 50 million in irregular status [2]. As economies expand, people are travelling further, and more often crossing borders to find work and improve the lives of themselves and their families. There are also people fleeing persecution and conflict as well as those who have been displaced by natural disasters, including across borders. It is estimated that there are currently some four million irregular migrants in Southeast Asia alone. Migration in its different forms intersects with development and humanitarian and security issues.

With international migration projected to continue increasing in scale and complexity over the coming decades, societies of the future are expected to exhibit increasing social and economic diversity. The successful integration of migrants into host societies and, more broadly, the manner in which communities at large experience migration constitutes

a major policy challenge for states and societies, including in our region. Migration remains politically sensitive and governments face the difficult task of dispelling the misunderstandings surrounding it. Indeed, misinformation and misperception can trigger a vicious cycle which influences government policy, and in turn, perpetuates negative attitudes to migrants and migration in mass media and the community at large. This can negate efforts to make migrant communities feel part of society and identify shared values and interests. Marginalization and stigmatization of migrants may cause instability – not migration as such.

The perception of migrants as a threat to national security often neglects that migration contributes to economic and social development and that properly managed migration can reinforce national and regional stability and development. When migration is well managed it contributes to the economic and social development of migrants, and of both countries of origin and destination. In fact, labour sending countries in the Asia-Pacific received some USD 237 billion in remittances in 2011, a significant amount [3]. Destination countries' economies also benefit immensely from the contribution of migrant workers. In Thailand for example, migrant workers annually contribute some USD 11 billion, or 6% of the country's gross domestic product (GDP) [4].

## **ISSUES OF TRANS-BORDER MIGRATION**

On the other hand, we have seen in the past that migration flows between countries can create bilateral and regional tensions. There is further growing recognition that irregular trans-border movements may have a destabilizing effect on a region. In the Asia-Pacific region, smuggling and trafficking networks pose a genuine threat to law and order. These criminal networks are at times related to organized crime, corruption and in some cases to the movement of illicit goods, including weapons and drugs. It is against this backdrop that the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime was set up in 2002. More than 45 member countries and international organizations participate in this voluntary forum. The Bali Process provides states in the Asia-Pacific region with an opportunity to discuss and develop coordinated approaches to address people smuggling, trafficking in persons and related transnational crime. The process further supports the development and implementation of strategies and practical cooperation in response to these challenges.

At times migration is looked at as creating regional instability, whereas in some cases it is in fact regional instability, including conflict and situations of insecurity, that are generating migratory movements. A contributor to regional instability that is often overlooked, but that is directly linked to trans-border migration is the issue of land and property which is often at the root of conflicts and instability. Particularly in conflict and post-conflict situations, changes in land use and ownership can be both driven by instability – as people are forced to move off their land, and be drivers of instability – as those claiming original ownership try to reclaim land.

Issues of tenure and land use can exacerbate tensions and conflicts in several ways. The occupation of land and property left behind during a conflict can lead to bitter and prolonged disputes after the crisis is over. A breakdown of pre-conflict arrangements on how to manage land and property, and resolve disputes can destroy pre-existing conflict resolution mechanisms. Furthermore, land can easily be damaged or degraded during a conflict, and additional pressure can be put on land and property where camps or informal shelters are created to accommodate those displaced by conflict. The overall land and property picture may shift, temporarily or permanently, as a result of a conflict.

The civil war in Rwanda is an example of one with property rights at its heart. The roots of the issue are known to be ethnic, between Tutsis and Hutus, however in practical terms the issue has been exacerbated by land and property disputes. After independence in 1962, a large population of Tutsis fled the country as a result of the political turmoil and of persecution. Their land, then abandoned, was often arbitrarily divided between the remaining, mainly Hutu, residents. After the Tutsi-led Rwandan Patriotic Front's victory in the civil war of the mid-1990s, the new government ordered the land to be reallocated to take account of the returned Tutsi population. However, this has by no means resolved land-related uncertainty in the country. The reallocation used a variety of different methods and thus was not wholly consistent. Additionally, any security of tenure is predicated on the Tutsi-led government remaining in power, which is by no means assured.

## **THE ROLE OF THE INTERNATIONAL ORGANIZATION OF MIGRATION (IOM)**

IOM's expertise in the area of land, property and reparations was recognized when the International Criminal Tribunal for Rwanda requested the organization to develop a set of concrete recommendations and suggestions leading to a lasting solution to this issue. The organization has also been asked to develop similar recommendations for the International Criminal Tribunal for the former Yugoslavia.

In the Asia-Pacific region, there are land rights and displacement issues to be resolved in Mindanao in the Southern Philippines. IOM has recently been working with the World Bank to assess questions of land and property which have arisen due to widespread displacement caused by ethnic and religious tensions and conflict in the area. Resolution of these issues would make an important contribution to bringing stability to the region.

IOM as the international migration agency continues to advocate comprehensive approaches to migration challenges that take into consideration the legitimate security concerns of all states, including those of source, transit, and destination as well as the human rights of migrants. IOM itself was established in 1951 during a time of regional and global instability following the Second World War when there were some 3.5 million people displaced in Western Europe alone. IOM was tasked with helping European governments identify resettlement countries for these people uprooted by the war. In the

1950s, the organization transported nearly a million displaced people to resettlement, mainly in Latin America and Australia. Over the decades, IOM has considerably broadened its thematic and geographical scope based on the mandate given it by its member states.

The writer served as the IOM's first Chief of Mission in Kosovo following the withdrawal of Yugoslav forces in June 1999, at a time of large-scale displacement and regional instability. In the late 1990s, against the backdrop of Yugoslavia's economic collapse and Slobodan Milosevic's ethnic cleansing of Kosovar Albanians, large numbers of these people fled Kosovo to Albania and Macedonia. Broadly, this migration resulted in increased trade and an 'economic boom' in Albania whereas in contrast Macedonia's ability to cope with hundreds of thousands of Kosovar-Albanian refugees was limited and the burden took its toll on the country's economy and placed an enormous strain on relations between ethnic Macedonians and ethnic Albanians. The government's policy of slowly admitting refugees, police violence against them, and the periodic refusal to admit additional refugees fuelled resentment among Macedonia's Albanians. Furthermore, insurgents from the Kosovo Liberation Army began crossing the border under the pretext that Albanians were treated poorly and needed protection. This may have played a role in triggering the civil war that began in 2001. Conversely, the sudden surge in Kosovar-Albanians into Albania was effectively managed and refugees were taken care of. It is interesting that the same population had such different impacts on the two countries. This can partly be explained by the fact by the different policy approaches taken by each of them.

IOM's response to this humanitarian crisis within Kosovo focused on community stabilization activities. These activities addressed the root causes of tension and displacement by providing for basic needs beyond emergency relief. In short, displacement was reduced and return encouraged by making the place of origin more attractive economically and socially, thus creating a pull factor. IOM also assisted Kosovo's neighbors cope with the strains of large numbers of arrivals of Kosovar Albanians through temporary evacuation to safety in third countries, medical care and medical evacuation, the provision of public information, and training and capacity building for the Governments in dealing with vulnerable migrant populations. IOM also provided services in camp management, community relations and micro-enterprise activities.

Since the 1990s, states have increasingly requested IOM to provide a range of support measures to address trans-border migration in crisis and post-crisis situations, and encourage the organization to develop more strategic approaches to the migration dimensions of such crises. In particular, states systematically come to IOM to seek assistance for their nationals who find themselves in crisis situations abroad. A total of 46 of them formally requested IOM to evacuate their nationals from Libya during the recent civil war there and 43 countries have done the same for their nationals in Syria, including the Philippines, Vietnam and Bangladesh.

## CONCLUSION

The inter-linkages between security, regional stability and international migration are complex and require attention at different levels. IOM strongly believes that trans-border migration, when properly managed, contributes to rather than undermines regional stability. To this end, four recommendations have been made in this paper on how governments can help ensure that migration contributes to regional security:

1. Through regional cooperation to prevent and combat irregular movements;
2. Through comprehensive responses to crisis situations with a migration dimension;
3. Through improving public perception of migrants and migration and support for migrants to integrate into host communities;
4. Through solving land and property disputes often through the use of reparations.

IOM stands ready to assist states in all of these areas.

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## **COOPERATIVE MECHANISM ON THE MANAGEMENT OF THE STRAITS OF MALACCA: AN ANALYSIS**

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### **ABSTRACT**

*The Cooperative Mechanism was established with the spirit of the Article 43 of the UNCLOS (United Nations Convention on the Law of the Sea) 1982, which generally calls for user States and straits States to cooperate by agreement in the establishment, maintenance and improvement of navigational and safety aids. Cooperative Mechanism re-affirms that sovereignty and primary responsibility over navigational safety and environmental protection in the straits lies with the littoral States. It also recognizes the interests of user States and stakeholders and the role they could play in respect of the straits, and that such cooperation should be on voluntary basis. This article clearly identified that with the spirit of voluntarism, it is difficult for the Cooperative Mechanism to perform effectively due to the reluctance of the user States, stakeholders and shipping industry to make financial contribution. Despite of initial agreement during the establishment of the Cooperative Mechanism for user States and stakeholders to contribute, it is worth pointing out that, as a result of their unwillingness, there is a shortfall in the budget. Issues relating to burden sharing continue to be a serious topic to the international community and various forums. This article suggested that the trend in traffic volume can provide an equitable basis for constructing a burden sharing mechanism in the straits in line with the “user pays” principle. As for the relevancy of the Cooperative Mechanism, this article also analyse the three main pillars of the Cooperative mechanism i.e. the Cooperation Forum, Project Coordination Committee and Aids to Navigation Funds which shows that the Cooperation Forum is not only able to engage the users of the strait through the meeting and forum but also to enforce them to contribute and plays their role in maintaining the safe navigation in SOM. However, such initiative is facing a great challenge due to no enforcement mechanism provided.*

*Keywords: Cooperative Mechanism, Cooperation Forum, Project Coordination Committee, Aids to Navigation Funds, Article 43 of the UNCLOS 1982.*

### **INTRODUCTION**

The Straits of Malacca (SOM) is classified among the busiest shipping lanes of the world where shipping traffic density in the SOM is currently about six times busier than that of the Suez Canal [1], which is translated to about 202 vessels transiting per day [2].

By 2020 the shipping traffic volume is forecasted to reach more than 140,000 vessels per year or about 383 vessels per day [3], an increase of more than 89 per cent within 10 years. The increasing traffic through the SOM poses significant risks to accidents at sea and environmental degradation. As such, it is necessary that steps taken to assist the littoral States, some of which are developing nations with limited resources, to enhance their capacity to ensure navigational safety and environmental protection in the Strait.

The SOM quite rightly is considered to be the lifeline of the economy of many countries which depend on commodities reaching their national ports, through the strait safely and in good time [4]. Safe passage is therefore of paramount importance and it is in this field, together with its concern for environmental protection, that the IMO has, in cooperation with the Indonesia and Malaysia which bordering the SOM and Singapore for Singapore Strait, other governments and international organizations concerned and the industry, taken a series of relevant measures to ensure the safe navigation through SOM by establishing the Cooperative Mechanism.

## COOPERATIVE MECHANISM

The idea of forming a Cooperative Mechanism was initiated with the objective to form a framework for which littoral States and users of the SOM and Singapore Strait may promote cooperation, providing opportunity to engage the user States, shipping industry and other stakeholders to participate and share the responsibility of maintaining and enhancing the safety of navigation and protection of the marine environment in the strait. The idea of forming a Cooperative Mechanism was put forward in the Kuala Lumpur Meeting in 2006 and was fully endorsed at the Singapore Meeting in 2007 [5]. The Cooperative Mechanism was formally accepted by Malaysia and Indonesia together with Singapore for Singapore Strait and was recognised as a permanent agenda item of the Tripartite Technical Experts Group (TTEG) on the issue pertaining the Safety of Navigation in the SOM and Singapore Strait as its 32<sup>nd</sup> meeting in Manado, Indonesia, in October 2007 [5]. The Cooperative Mechanism reflects the success in enhancing cooperation between littoral States and the user States supported by Article 43 of the UNCLOS 1982 [6] which stated:

*User States and States bordering a strait should by agreement cooperate:*

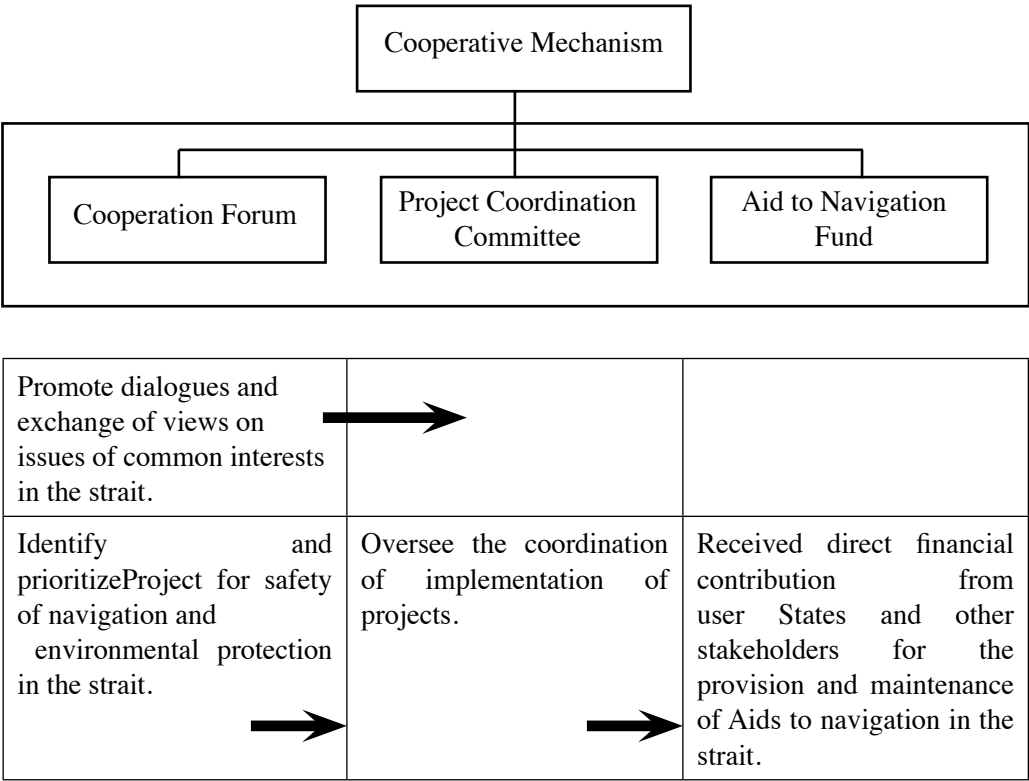
- i. in the establishment and maintenance in a strait of necessary navigational and safety aids or other improvements in aids of international navigation; and;*
- ii. for the prevention, reduction and control of pollution from ships.*

In fact, this Cooperative Mechanism is the first attempt by the international community to put Article 43 of the UNCLOSS 1982 into application [7]. In essence, the Cooperative Mechanism provides a framework for which littoral States and users of the SOM and Singapore Strait may promote cooperation. For the littoral States, the Cooperative Mechanism provides an opportunity to engage the uses States, shipping industry and other stakeholders to participate and share the responsibility of maintaining and enhancing the safety of navigation and protection of the marine environment in the strait. For the user States, shipping industry and other stakeholders, the Cooperative Mechanism provides an opportunity for them to cooperate, contribute and play a role in maintaining and enhancing the safety of navigation and protection of the marine environment in the strait. In return, the strait will be safe and protected, and continue to be open for navigation.

The implementation, the structure, and the process within the Cooperative Mechanism should be simple and flexible in order to accommodate possible development. The implementation of Cooperative Mechanism shall not prevent implementation of bilateral cooperation of specific project or projects. The Cooperative Mechanism shall have [7]:

- a. Cooperation Forum (CF); is a mechanism for coastal States and the users to carry out dialogue, information exchange and burden sharing on specific issues for common benefit and possible cooperation.
- b. Project Coordination Committee (PCC); for the implementation of the cooperative programs in cooperation with the sponsors of the project.
- c. Aids to Navigation Fund (ANF) which is a very important element to promote safety of navigation through burden sharing arrangement, so far the contribution to the Fund has been voluntary. It is expected that the contribution could and would come from States, shipping industries, oil industries, international organizations, or any non-governmental organizations that care for the safety of navigation and environmental protection in the strait. It should be noted that in this context Japan has been one of those who has supported the program and the efforts from the very beginning within at least the last 40 years. The ANF is to be administered by the coastal States by rotation and will not establish a separate permanent secretariat for that purpose [8]. The ANF Committee, consisting of representatives from littoral States as well as contributors from the user States and stakeholders will be formed to ensure transparency and accountability on the use of the Fund [8].

The overall structure of the Cooperative Mechanism is illustrated as per Figure 1 below:



**Figure 1: Cooperative Mechanism for Safety of Navigation and Environmental Protection in the SOM and Singapore Strait [8]**

**THE PROGRESS OF THE COOPERATIVE MECHANISM**

The progress and achievement of the Cooperative Mechanism can be measured through the success of the three components of the Cooperative Mechanism i.e; the CF, the ANF and the PCC which are analyzed in the following sections.

**The Cooperation Forum**

Since the establishment of the Cooperative Mechanism in 2007 till 2011, there were four CF being held on a yearly basis. The first Forum, attended by about 50 delegates representing more than 25 States with the littoral States of Indonesia, Malaysia and Singapore for Singapore Strait, user States and Non-governmental Organizations from the international maritime community, started off with active dialogues between the littoral States and users of the strait to explore ways for cooperation and burden sharing

to enhance the safety of navigation and the marine environment in the strait. It was to forge a closer cooperation among the parties to maintain the strait safe and open to shipping. During the Forum, apart from Japan who had been contributing for the last 40 years, Australia, China, Greece, Republic of Korea and the U.S made commitments to cooperate in various forms with the littoral States with regards to the implementation of the Cooperative Mechanism.

The second Meeting of the Forum was held from 14 to 15 October 2009 in Singapore. The Forum was attended by representatives from the littoral States, user States, Inter-Governmental Organisations, Non-Governmental Organisations and other stakeholders. During the meeting, the Joint Technical Arrangement (JTA) was signed by the littoral States and the IMO. The JTA institutionalized the interface between the Cooperative Mechanism and the IMO, Straits of Malacca and Singapore Trust Fund. The Fund has an initial contribution of USD 1 million from Greece. Among others, the main agenda of the Forum was to; Update on the administration, operation and activities of the ANF; Update on developments in the strait projects 1- 6.

The Third Meeting Forum between Indonesia, Malaysia, Singapore, user States and other stakeholders of the strait, were held from 6<sup>th</sup> - 7<sup>th</sup> October 2010 in Yogyakarta, Indonesia. The Forum, as per the earlier Forums, was attended by representatives from the littoral States, user States, Inter-Governmental Organizations, Non-Governmental Organizations, regional and international shipping industries /associations, and other stakeholders. The agenda included an update on the administration, operation and activities of the ANF. Malaysia, as host to the ANF, informed the Forum that the amount of contributions received so far (2008-2010) has reached USD 8.10 million in total [9]. The current balance after deducting for maintenance and replacement of Aids to Navigation was approximately USD 2.8 million. Malaysia emphasized the need for more voluntary contributions as the present level of contributions was still short of the average annual cost required, estimated at USD 5.8 million per year.

The Fourth Meeting Forum was held from 10<sup>th</sup> -11<sup>th</sup> October 2011 at Malacca, Malaysia. As per earlier Forum, was attended by representatives from the littoral States, user States, Inter-Governmental Organizations, Non-Governmental Organizations, regional and international shipping industries/associations, and other stakeholders. The topic of discussion included recent developments on the Cooperative Mechanism, progress report on the strait projects, latest development on the strait projects, enhancement of safety of navigation in the strait, enhancing environmental protection in the strait and the way forward of the Cooperative Mechanism. During the welcoming remarks, Dato' Sri Kong Cho Ha Minister of Transport, Malaysia, expressed his gratitude for the more than 80 delegates from 26 States, organizations and the shipping industry attending the fourth Cooperation Forum [10]. This clearly shows the continued commitment and support of user States, the industry and other stakeholders towards ensuring the safety of navigation and environmental protection in the SOM and Singapore Strait.

## Aids to Navigation Fund

Malaysia hosted the first meeting of the ANF which was held in Penang in April, 2008 and the total amount pledged was USD 3.451 million [10]. In addition, Nippon Foundation was ready to contribute up to a third of the total costs associated with the maintenance and repair of the aids to navigation in the strait [11]. The Fund will be administered on a rotational basis for a period of three years in turn by the littoral states of Malaysia, Singapore and Indonesia, starting with Malaysia.

The estimated project costs for the six projects initiated under the Cooperative Mechanism and the current status are presented in Table 1. The capital, installation and commissioning costs are estimated to total to some USD 8,950,000 for projects 1, 2, 3, 4 and 6 (refer to Table 1). In addition, there are also maintenance cost totaling USD 561,000 covering a 3-year period for project 4 and USD 18,225,000 covering a 10-year period for project 5. An estimate of the total replacement and maintenance cost of aids to navigation is put at USD 7,318,600 per year which total to USD 54,823,000 for a 10-year period [12].

**Table 1. Projects 1 – 6: Estimated Costs and Current Status**

Project	Particular	Estimated Costs (USD)	Status
1	Removal of wrecks in the traffic separation scheme	4,000,000	On-going
2	Cooperation and capacity building on HNS preparedness and response	3,500,000	On-going
3	Demonstration project of Class B Automatic Identification System (AIS) transponder on small ships	400,000	Completed
4	Setting up a tide, current and wind measurement system to enhance navigational safety and marine environment protection	774,000 (excluding annual maintenance cost of 187,000)	On-going
5	Replacement and maintenance of aids to navigation	18,225,000 (over 10-year period)	On-going
6	Replacement of aids to navigation damaged by the tsunami incident	276,000	Completed

**Source: Cooperative Mechanism Website**

The CF has provided a useful platform for the littoral States, key user states and industry stakeholders to meet, exchange views, and explore new collaborations to ensure that the straits remains safe and open. A crucial element of safety for ships navigating the strait is the aids to navigation that are put in place. The continued maintenance of aids to navigation remains a vital component of ensuring the safety of ships navigating through the strait. There are currently no less than 51 aids to navigation installed within the Traffic Separation Scheme (TSS) of the strait to assist navigators. These are primarily installed by the littoral States and some through outside funding. In addition to the substantial funding provided by the littoral States, Japan remains the only user State that has been consistently providing financial assistance on a voluntary basis for the maintenance of critical aids to navigation in the strait.

In order to ensure that there is long-term and sustainable means of financing the maintenance of critical aids to navigation in the strait, a special fund for Aids to Navigation is set up as a component of the Cooperative Mechanism. The ANF will provide the means for all users of the strait to contribute financially towards the maintenance of the aids to navigation in the strait, such as light house, beacons, light buoys and etc. In future, other aids to navigation in the strait could also be identified for funding under the ANF.

Contributions to the ANF shall be on voluntary basis. Contributions may be received from user States, industry, private benefactors, non-governmental organizations and inter-governmental organizations, including the IMO. The administration of the ANF is by the littoral States on a three year rotation basis. At this stage there will not be a permanent secretariat for the ANF. There is the ANF Committee, comprising representatives from littoral States as well as invited contributors that manage the Fund in accordance with the best international financial practices of transparency and accountability. These include a clearly defined scope of the Fund, employment of an independent audit, annual reporting to the contributors and the disbursement of funds based on an approved work plan.

Based on Table 2, for the years 2008 to 2012, the total amount of contributions received was USD 13,050,000. However, the total amount required to fund the various projects under the Aids to Navigation initiative is USD 28,110,000. For each of the years, the amount of contributions received all show a shortfall. None of the contributions received for any of the years were enough to finance the corresponding year's expenditure. In total, the shortfall for the 5 years from 2008 to 2012; amounts to USD 15,060,000.

**Table 2: Contributions versus Estimated Cost of Annual Work Program**

<b>Year</b>	<b>Contribution (USD )</b>	<b>Cost (USD)</b>	<b>Shortfall (USD)</b>
2008	1,450,000	1,530,000	-80,000
2009	4,230,000	8,040,000	-3,810,000
2010	3,230,000	7,500,000	-4,270,000
2011	1,740,000	3,840,000	-2,100,000
2012	2,400,000	7,200,000	-4,800,000
Total	13,050,000	28,110,000	-15,060,000

**Source: 5th Cooperation Forum 24 – 25 September 2012, Singapore – Aids to Navigation Fund Update**

The record on the contributions made by the various stakeholders for the year 2008 to 2011 shows a massive gap between the amounts required to fund projects 1 to 6 and the amount of contributions received. The question now is, “How are the littoral States going to proceed with the projects with such a massive deficit?” What is shown here is that the Cooperative Mechanism has not been able to convince the stakeholders to contribute more to close the gap or even result in a surplus in the ANF. The record shows that the appeal to the stakeholders based on voluntary contribution alone has been not fruitful. Going by the record, the efforts made by the littoral States to maintain the SOM and Strait of Singapore as a safe passage to ships that transit in the waterways is not going to be successful due to a serious lack of funds.

In the event that the trend, in terms of the frequency and the quantum of contributions received were to persist, the objectives of the Cooperative Mechanism in maintaining the SOM as a safe passage for ships will not be achieved simply due to lack of funds. The situation can be made even worse if Japan, the largest and the most consistent contributor for the last 4 decades, is not able to maintain its support in the future due to whatever reason.

The Cooperative Mechanism has been successful in terms of the cooperation and playing a role in maintaining and enhancing the safety of navigation and protection of the marine environment in the strait but unfortunately, it has not been successful in attracting enough contributions, especially from the user States and users of the Strait. While Malaysia, being a developing nation with limited resources, has been contributing some US 200 million over the years and it cannot be expected to constantly contribute much more.

Apart from the capital cost for project 1 to 6, there are the annual maintenance costs to keep the facilities in good working order. The estimated annual maintenance costs of aids to navigation is USD 7,318,600 per year and going by the contribution received in



the past, the amount is not even sufficient to cover the annual maintenance cost, let alone the replacement cost. With the projected 10-year maintenance cost of aids to navigation at USD 54,823,000, it seems unlikely that the aids to navigation for the SOM is sustainable without more financial contributions to be received committed by the user States and the users of the strait.

## **Project Coordination Committee**

The six projects, named as projects 1 to 6 as far as the Cooperative Mechanism is concerned, were mooted way back in 2004. Since then, the projects were initiated progressively and till now, eight years later, only 2 of the projects (projects 3 & 6) were completed. Even then, in terms of costs, these projects were considered small in magnitude which cost USD 400,000 for project 3 and USD 276,000 for project 6. Other projects were estimated to cost between USD 774,000 (project 4) and USD 4.0 million (project 1) [12].

The slow progress of these projects can be attributed to the unavailability of fixed revenue or a consistent cash inflow to plan and implement the projects. Instead, these projects depend highly on the voluntary contributions, either financially or in kind (equipment, technical expertise, etc.) from the users or other stakeholders. Only when a sponsor or sponsors is/are found, then only the projects can proceed. As emphasized by Malaysian delegate during the 3<sup>rd</sup> Cooperation Forum held in Yogyakarta, Indonesia, “there is a need for more voluntary contributions as the present level of contributions was still short of the average annual cost required, estimated at USD 5.8 million per year.”

Experience in the past indicates that Japan has been the sole user state to contribute to aids to navigation in the strait, donating USD 200 million over the last 40 years [13]. However, there was no firm commitment of funding from any industry representative body, although approaches were made to INTERTANKO, INTERCARGO, BIMCO and the International Chamber of Shipping to get their support for fund. The progress can also be slowed down due to the once a year Forum being held where there is a lapse of one year between the project proposal and decision to be made and implemented. Any changes that are required immediately following a Forum will have to wait almost a year till the next Forum for approval which can cause unnecessary delays. The project monitoring and control systems which is done through the annual Forum where progress on projects are reported, need to be enhanced by following the globally accepted project management methodology that advocates constant monitoring and control for project success.

## **CONCLUSION**

The operations of the littoral States and the Cooperative Mechanism, being governed by the terms of UNCLOS 1982 are very much restricted in raising funds for the

establishment except to act like “beggars” and hope for mercy from the user States and users of the strait. Records show that, even at the early stage of its establishment, there is already a massive deficit to complete the projects 1 to 6 and there are more projects being proposed requiring more funding.

In view of the critical position of inadequate funds available to finance the projects to make the SOM a safer waterway for ships to pass through, it is imperative for the Cooperative Mechanism to find avenues to ensure consistent cash inflows into its coffers but at the same time, observing the terms of UNCLOS 1982. This is a difficult task but it needs to be done, perhaps, through some form of “charges”, such as service charge for the provision of navigational assistance, rescue facilities in case of mishaps, etc., to all the ships using the waterway.

Another avenue may be in the form of “charges” under the guise of CSR, where the major users, such as the oil companies, pay tributes based on the amount of “dangerous cargo” that passes through the strait. Unless the Cooperative Mechanism finds ways to ensure a steady stream of cash inflows into its coffers, the objective of maintaining a safe passage for ships using the strait, will not be sustainable.

The Cooperative Mechanism in the SOM is a very unique Mechanism where the uniqueness comes from the diversity of actors which play each role in order to enhance safety and environmental protection in the SOM. Behind this background, the idea that the safety of the sea is provided free is out of date and must be changed. It is necessary to consider a new mechanism where the cost of safety is borne not only by the littoral States but the States and stakeholders that use the strait. In order to maintain the sustainable use of the strait, especially the strait constituting an international shipping route, not only State but also stakeholders have to share costs in a fair balanced manner.

The three most important players determining how safety and security in the Malacca Straits is to be achieved are the littoral States, user States, and shippers. The littoral States have the right to prescribe rules for navigation safety and security, prevent accidents, and provide regulations for marine pollution. These rights are set out in the SOLAS, International Regulations for Preventing Collisions at Sea (COLREG), and the UNCLOS 1982. These provisions are limited, however, by the rights of transit passage that the UNCLOS 1982 extends to the vessels of user States passing through the strait. The littoral States have taken a number of measures to promote the safety and security of navigation through the strait, though such measures are not sufficient to eliminate the strait’s vulnerability to environmental spills, and accidents. Shippers are major beneficiaries of littoral States safety and security procedures. Commercial shippers, whether bulk cargo or energy carriers, desire to reach their destinations as cheaply and expeditiously as possible. Article 26 of the UNCLOS 1982 provides that fees may be levied on a foreign ship passing through a territorial sea for services rendered to the ship, but this provision cannot be made compulsory through unilateral action by the littoral States. When shippers use port facilities, fees are standard; however, no mandatory charges have yet been established for transit because that would violate freedom of passage. The success

of the Cooperative Mechanism in the SOM very much depends on the three key players namely, the littoral States, user States and stakeholders and each party must play its respective role to make SOM safe for navigation. In order to ensure good and sustained progress the Cooperative Mechanism must overcome the challenge of sustaining interest and keep the momentum going, not only to continuous progress but also to encourage further participation and contributions from existing as well as new stakeholders. New ways of ensuring adequate financial inflows, apart from voluntary contributions from the stakeholders, need to be seriously considered. Only in this way, with adequate contributions and 'collections' from all sides, can the safety of navigation through the SOM could be sustained.

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## **THE ROLE OF THE UNITED NATIONS IN THE KASHMIR CONFLICT: AN ANALYSIS**

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### **ABSTRACT**

*The Kashmir conflict is regarded as one of the longest and most enduring conflicts in the world. The reality is that the Kashmir issues yet to be resolved until today. As a consequence there is the question of the role of the UN as the world body in resolving the issue. The question arises because UN is an international body and one of its main missions is to resolve conflict among the world countries through peaceful means. The fact is that the UN did play its part and the evidence is the numerous resolutions that the UN passed throughout its involvement in the Kashmir peace efforts since 1947. However the puzzle remains as the Kashmir conflict is yet to be resolved even after all these efforts. As such this research examines the role of the UN and the various challenges it faces in dealing with the Kashmir conflict. The study traces from the history of this conflict and the various stages of the conflict. This is important to identify the main obstacles in resolving the conflict. At the same time, it provides the basis for analysing the role of the UN and the challenges it's faced. The role of the Secretary-General, the Security Council and the General Assembly is examined. It suggests that India could reduce tension in that area and Pakistan could engage in building bilateral confidence building measures (CBMs) and eliminate the threat of Muslim terrorism in the disputed area. It recommends that India should comply with the 1960 Indus Water Treaty (between India and Pakistan) while Pakistan should strengthen domestic political stability. It concludes that both measures would help significantly towards conflict resolution while enhancing the role of the UN as mediator.*

*Keywords: Crisis management, mediator, resolve conflict, political stability, cooperative approach, egoism*

### **INTRODUCTION**

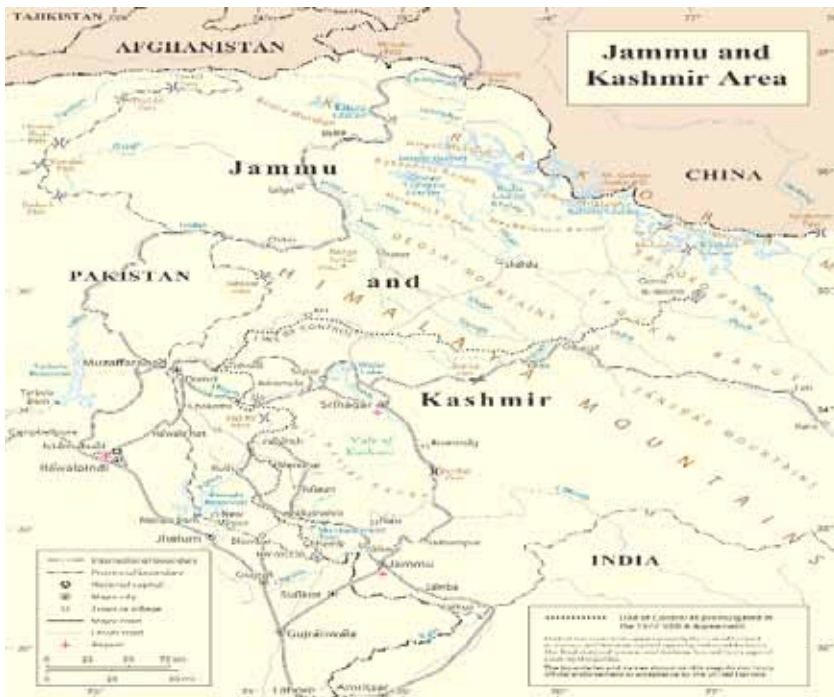
The Kashmir conflict is the oldest unresolved international conflict in the world today. In one sense, Kashmir problem is the result of British failure to find satisfactory method for integration of princely states in Pakistan and India. While Indian security forces are practising an unprecedented reign of terror in Occupied Kashmir being widely reported world-wide; the Indian Government, is neither willing to negotiate the issue multilaterally through international mediation, nor is it ready to sort it out with Pakistan through bilateral negotiations. The history of the Kashmir conflict is intrinsically linked to various UN resolutions on the issue. The purpose of this study is about the UN role that it

can play in resolving the longstanding Kashmir conflict for bringing about peace to South Asia.

## AN OVERVIEW OF KASHMIR CONFLICT

The United Nations Commission for India and Pakistan's (UNCIP) sole victory was in developing a minor, cosmopolitan power known as the United Nations Military Observers Group (UNMOGIP) in both the nations; UNMOGIP aims to monitor the Line of Control (LOC) which is at the length of 400 miles and spread over the region as per **Map 1.1: Line Of Control (LOC)**. At the appeal of UN, the United States offered their biggest reliant. UNMOGIP continued its patrolling obligations up until the third war outbreak between India and Pakistan in the year 1971 [1].

**Map 1.1: Line of Control (LOC) [2]**



**Source: (Yasmin Khan 2008)**

From then on, the UN has suggested and took part in initiatives, direct and indirectly to solve the Kashmir conflict as illustrated in **Map 1.2**. The initiative has received few humanitarian aid and socio-economic progress in Kashmir. It has delivered many suggestions both in the UN General Assembly or the UN Security Council and took part in few peace bargains to stop the conflict.

**Map 1.2: United Nations' Map of Kashmir [2]**



**Source: (Yasmin Khan 2008)**

Pakistan and India have made several efforts to resolve the conflict bilaterally but have thus far failed to find permanent solution to the 65 year Kashmir conflict. Pakistan welcomes the role of international community/third party in resolution of the problem. India on the contrary maintains that Kashmir is its internal/domestic problem and is therefore, not willing to accept any third party mediation/facilitation. Moreover, the past track record of India with regard to continuous defiance of United Nations resolutions since 1947 makes the workability of the option questionable. The Kashmir conflict requires the intervention of the United Nations in providing a favourable platform to intervene and produce permanent settlement.

### **UN's failure to resolve the issue**

The Kashmir issue being one of the very early disputes, the members of the council were keenly interested that a speedy solution to the dispute should be found on the lines which both Pakistan and India appeared to be agreeable to, namely the holding of a plebiscite under UN supervision [3]. On 20 January 1948, the UN Security Council passed a resolution establishing the UN Commission for India and Pakistan (UNCIP). UN passed 28 resolutions since 1947 to December 1971. The resolution of 21 April was of cardinal importance. It outlined the UNSC's stand on the Kashmir conflict, recommended the method of its solution, and became the principal term of reference for final settlement of the problem. But after 1951, UN had reduced and almost stopped its peace attempts [4].

## **India's refusal to settle**

India has its own reason for claiming the rights over Kashmir. This nation refuses to settle or refuse to let go Kashmir due the claim that the land of Kashmir is part of India. The official Indian view remains that the State of Jammu & Kashmir is legally part of India. India holds that the Instrument of Accession of the State of Jammu and Kashmir to the Union of India, signed by Maharaja Hari Singh (erstwhile ruler of the State) on 25 October 1947 & executed on 27 October 1947 between the ruler of Kashmir and the Governor General of India was a legal act, was completely valid in terms of the Government of India Act (1935), Indian Independence Act (1947) and international law and was total and irrevocable [5].

## **Pakistan's instability**

The internal instability of this country is results from the deepening of political row between the government and its army and judiciary. The huge instability is a result of frequent change of administrations where the nation was most stable during the military ruling. The lack of unity among them makes it even harder to find resolution. The Pakistan People's Party (PPP) of President Zardari has never enjoyed especially close relations with the army. One of the evidence showing their instability is the anonymous memo sent to Washington in sought of US help to stop a possible armed coup in Pakistan (Reuters, 2012: 103-122). With so much of instability in the Pakistan's government, the only times the failing state regained their stability is during the military commander ruling such as Zia Ul haq and Musharaf. The reason for the stable condition is due to the stern and strict leadership posed by the commanders [6].

## **Kashmir's axis of terrorists**

Traumatic experience of over two decades had convinced the Kashmiri population particularly the youth that their conformist and submissive local leadership had no potential to persuade or even plead their case for self-determination. Instead of promoting their cause for freedom, the local leadership was playing in the hands of Indian politicians. But at the Kashmir areas administrated by India had seen too many killings by the Indian army. More than 60,000 citizens, mainly innocent civilians, had been murdered in the long enduring conflict. The Kashmiris having lost their faith in the leadership thus decided to take their destiny in their own hands and started terrorism. One such group is the JKLF group that is actively involved in rallies and protests [7]. Another terrorist group there is the al Qaeda who was responsible for numerous attacks. Among the most significant attacks were 1993 World Trade Centre bombing, operation Bojinka, 1995 Saudi National Guard training center bombing, September 11 attacks, Bali bombing and Mumbai bombing [8]. Research showed that bin Laden was part of the team in training activists for Jihad in Kashmir while staying in Sudan in 1990s. By the year 2001, al Qaeda was able to pull the Kashmiri militant group to become part of their coalition [9].



## **Non-interest of major powers over the issue**

In an era where the dangers of nuclear propagation are very much at the topmost of the global security program, with Washington and its associates taking a strong stand against rogue countries such as North Korea and Iran, there appears petite eagerness for applying parallel pressure against India and Pakistan, who among them own in surplus of 200 nuclear missiles which is considerably more than Britain's 160 operationally obtainable weapons. So far as India is concerned, this ignorance is mostly due to the longing of Western leaders to uphold decent relations with a nation that has lately developed as one of the world's main financial achievement stories. Raising uncooperative questions regarding India's nuclear collection is not the finest way to secure profitable business agreements [10]. Having said that, during one of Obama's visit to New Delhi to meet Prime Minister Manmohan Singh in 2010, he said that the United States are not able to impose a resolution to the Kashmir conflict but indicated that he is willing to take up any role that these two countries think appropriate to reduce the tension. Obama was rather indicating that Pakistan and India must make the decision to resolve the issues [11]. The Russian attitude towards all the conflicts in between Pakistan had always been pro-Indian. It is due to the superior Indian foreign policy that during the cold war era, they in spite being very close to the former USSR, never failed to win American sympathies. Russia is the strongest India ally and had been the main source of defence hardware supply for the India. Russia always supported the Indians when they got entangled in un-extricable situations. The Tashkent Agreement is manifest of the same [12]. UK can without any hesitation be termed as responsible for all the miseries Kashmiris are suffering today. Even then being a flag bearer of the international peace in pre and post 9/11 has never tried to play even a proxy role for the solution of Kashmir issue [4]. China being a most trusted friend of Pakistan has always supported the Pakistan's stance on Kashmir issue and has always offered herself as a mediator to help solve this long outstanding issue between Pakistan and India. The support China shows toward Pakistan is a result of a prior conflict between China and India. These two were involved in the Sino-Indian Border Conflict where the cause was a dispute over the sovereignty of the widely separated Aksai Chin and Arunachal Pradesh border regions [13].

## **Difficulty of Regional Organizations to Resolve Kashmir Conflict**

There may have high possibility if there is any regional support that the conflict between India and Pakistan will come to an end. Unfortunately the South Asian Association for Regional Cooperation (SAARC's) countries also showed lesser interest to act as the mediator to put an end to the conflict of more than six decades [14]. The OIC has been unable to play any role because of lack of unity among its members. Out of the Muslim Ummah, only four Islamic states have made their positions known – Saudi Arabia, Iran, Turkey and Yemen, while the rest have elected to keep quiet. During the past over five years, the Hurriyat Conference has been reportedly dismayed with the OIC for not adopting tough stand against India for forcing New Delhi to settle the dispute with the

representatives of Kashmir and the Pakistan Government. The OIC members seem more concerned about the trade link with India than the plight of Kashmiri people [15].

### Rivalry over Kashmir's on natural resources

Another cause of the dispute over Kashmir is water. Kashmir is the start point for numerous rivers and branches of the Indus River basin. The river basin is separated between Pakistan, which has about 60% of the catchment zone, India with about 20%, Afghanistan with 5% and around 15% in China (Tibet autonomous region). The river branches are the Jhelum and Chenab rivers, which mainly flow into Pakistan while other branches (the Ravi, Beas, and the Sutlej) flood northern India. The Indus is a river system as per **Map 2.1** that sustains communities in both countries India and Pakistan. They both have broadly blocked the Indus River for irrigation of their harvests and hydro-electricity systems. The Indus Water Treaty was agreed by both nations in 1960 [16].

**MAP 2.1: Indus Basin**



Source: [http://upload.wikimedia.org/wikipedia/commons/0/0d/Pakistan\\_Rivers.PNG](http://upload.wikimedia.org/wikipedia/commons/0/0d/Pakistan_Rivers.PNG)

A dispute thus arose between the two countries regarding the utilization of irrigation water from existing facilities. Negotiations held under the good offices of the World Bank, culminated in the signing of Indus Water Treaty in 1960. Indus Water Treaty forms the basis for the water resources which are available to us. Therefore, it is imperative to understand the salient of the Treaty to have a better comprehension of water based

conflicts between India and Pakistan. Salient features of Indus Water Treaty. These are [17].

- a. Water rights of three Eastern rivers namely Ravi, Sutlej and Beas were given to India.
- b. Water rights of three Western rivers namely Indus, Jhelum and Chenab were given to Pakistan.
- c. Pakistan to meet the requirements of its Eastern river canals from the Western rivers by constructing replacement works to include two storage dams, six new barrages, seven new inter-river link canals, remodelling of two existing barrages and two existing link canals.
- d. The conservation storage of all single purpose and multi-purpose reservoirs which may be constructed by India will not exceed the following limits:

River System	General Storage Capacity (Million Acre-Feet per Year (MAF))	Power Storage Capacity (MAF)
Indus	0.25	0.15
Jhelum	0.50	0.25
Chenab	0.50	1.2

- e. Both parties were to regularly exchange flow-data of rivers, canals and streams.
- f. A permanent Indus Water Commission was constituted to resolve the disputes between the parties. The Treaty sets out the procedure for settlement of the differences and disputes. It also provides for settlement of disputes through the International Court of Arbitration.

**Violation of Indus Basin Treaty by India.** Taking advantage of the provisions of the treaty, India has already initiated a number of controversial projects which have far reaching implications for Pakistan. Some of these violations are as following:

#### River Jhelum

- a. Wullar Barrage.  
Wullar Barrage Project was started by India without Pakistan's consent, 25 km north of Srinagar. The project was suspended by India in 1987 after strong protest by Pakistan. The purpose was to construct a control structure to improve navigation in River Jhelum during winters, in order to connect Srinagar with Baramula for transportation of fruits and timber [18].
- b. Kishanganga Hydroelectric Project  
The project envisages diversion of water of Neelum River to Wullar Lake through a 22 Km long tunnel. This will deprive Pakistan of requisite quantity of

water required for filling of Mangla Reservoir, will reduce capacity of Neelum-Jhelum Link Hydro Electric Project from 80% to 13% and reduce provision of water for irrigation purposes [19].

#### River Chenab

a. Salal Dam

Salal Dam is located 64 kms upstream of Marala, with live storage capacity of 0.58 MAF and max discharge of 792,000 cubic feet per second (cusecs). According to the treaty India can only make run-of-river hydroelectric plants on Chenab River [20].

b. Baglihar Dam

Baglihar Hydro-electric project, located 80 Km upstream of Salal Dam, is a run-of-river Hydro-electric Plant with pondage of 1.64 MAF. It has the capacity to store more water than required for power generation thus affecting the capacity of River Chenab. Pakistan will lose 7,000-8,000 cusecs of water per day if the project is completed in accordance with the existing design [20].

c. Dulhasti Project

This Project envisages construction of dam upstream of Baglihar Hydro-electric project. It has a capacity of 0.086 MAF, which is a violation of the Treaty [19].

## THE ROLE AND INVOLVEMENT OF THE UNITED NATIONS

### Challenges to UN Organization to Resolve the Kashmir Conflict

The US is one of the five permanent members of the United Nations Security Council (UNSC) where it has the equal authority with the remaining four permanent members to decide whether or not to execute a certain resolutions forcefully. This is said because the India is not in an agreeable condition toward the peaceful resolutions that were suggested in a conventional way. US is more interested to safeguard its economic transaction with India compared to confronting India to adhere to the peace efforts [21].

### Challenges to UN posed by India to Resolve the Kashmir Conflict

For India, Jammu and Kashmir are its only state with a Muslim majority, so Kashmir represents that India is a secular, multinational nation. According to the Indians' perspective, the state of Kashmir is an integral part of the union of India [22]. The official Indian position argues that the future status of the state otherwise is a domestic problem. At bilateral level, India has been avoiding any meaningful dialogue with Pakistan to gain more time to crush the resistance. She wishes to maintain status-quo implying the conversion of existing cease fire line in Kashmir into an international border. At the

International level, India is pursuing a three pronged strategy. Firstly deflecting Pakistan's campaign on human rights violations in Kashmir, secondly maintaining that Simla Agreement provides the frame work to settle all bilateral issues and lastly, branding the Kashmiri resistance movement as a terrorist, fundamentalist and secessionist movement with a potential to disintegrate India [23].

### **Challenges to UN posed by Pakistan's instability**

Pakistan's political situation had been the major obstacle for the UN in peace efforts between Pakistan and India. The first and foremost reason is the constant change of government that causes the UN's peace processes to face difficulty. Change of government effected development of Pakistan where each government may have applied different policies. This is true when the government at one particular period made a business deal with a foreign country and a sudden change in government can create communication problem. For example, the highway construction project in Pakistan was given to a foreign company, from Korea. But while the work was in progress, change in government caused the contract being terminated by the new government. This affects Pakistan's development but UN does not have authority to interfere or advice in this issue. The change of government also affects Pakistan's political affairs with other countries due to variation in the political and foreign policy each time a new government takes over Pakistan [24].

### **Challenges to UN arising from Kashmir's axis of terrorists**

Mohamad Yasin Malik, leader of pro-independence Jammu and Kashmir Liberation Front (JKLF) mentioned that JKLF did not favour on any of the countries neither India nor Pakistan. Yet he uttered disappointment when this time there is no mention of Kashmir in Pakistan's numerous parties' election campaigns [25]. In Malik's perspective and the preferences of the Kashmiris, they do not want this conflict to be brought forward to another generation. They believe and fear that the continuation of the conflict to the next generation will happen if the issue is not going to be addressed properly at present. At the same time, Malik also anxious that the current generation in the undecided Himalayan region may adopt to follow the Taliban practices since India had shut down all democratic choices and convey a clear message to the Kashmiris that they have been conquered [26]. The Kashmiris also extremely worried as the foreign forces continue to withdraw from their peace effort between India and Pakistan. The people of Kashmir may have to depend on terrorism as the mean for asking their rights and demand for resolution if the two nations do not settle and if the other countries drop their peace efforts [27].

### **Challenges to UN resulting from the Non-interest of major powers over the issue**

Similar to America, some other major powers in the world were after their self-gain, either through Pakistan or India that cause them to remain silence and not confronting any of the two parties. The Russian attitude towards all the conflicts in between Pakistan

had always been pro-Indian. It is due to the superior Indian foreign policy that during the cold war era, they in spite being very close to the former USSR, never failed to win American sympathies. Russia is the strongest India ally and had been the main source of defence hardware supply for the India. Russia always supported the Indians when they got entangled in un-extricable situations. The Tashkent Agreement is manifest of the same [12]. On the other hand, China was in the side of Pakistan as both the countries share a common interest in India as an opponent. China preserves a robust defence connection with Pakistan and strong partnership with Pakistan as an efficient way to reduce Indian authority in the region and reduce Indian military authority away from their nation. Meanwhile the Chinese government perceive India-Pakistan conflict as an advantage for their own strategic purposes. Such examples are friction bogs India down in South Asia and interferes with New Delhi's ability to assert its global ambitions and compete with China at the international level [28].

### **Challenges to UN on the Difficulty of Regional Organizations to Resolve Kashmir Conflict**

There may have high possibility if there is any regional support, UN would have achieved their mission in bringing peace to Kashmir. Unfortunately the SAARC countries also showed lesser interest to support UN to put an end to the conflict of more than six decades. The OIC has been unable to support UN's peace missions because of lack of unity among its members. Out of the Muslim Ummah, only four Islamic states have made their positions known – Saudi Arabia, Iran, Turkey and Yemen, while the rest have elected to keep quiet. The OIC members seem more concerned about the trade link with India than the effort of UN to end the miseries of the Kashmiri people [15].

### **Challenges to UN over India-Pakistan rivalry for control of Kashmir's natural resources**

Other than the UN's internal issues and the attitudes of the countries in the dispute and other countries in the world, the competition over the natural resources in Kashmir is another obstacle that causes UN to fail in their peace initiatives. Both India and Pakistan do not prefer to give away the rich sources to income to the other nation [29]. The under-stressed Indus Water Treaty (IWT) due to the scarcity in both countries and ecological danger to the Indus basin river's system is one of the issues that UN is unable to resolve. Even the treaty was brokered by the World Bank, initially. But when the deal turned sour after India started constructing few hydroelectric projects on the western rivers (allocated to Pakistan), many parties urged the involvement of the UN. But resolution was not found because India argued that the country is not overriding the IWT and just using the amount of water provisioned to them [30].

## **THE ROLE AND CHALLENGES FOR PAKISTANI, INDIAN AND KASHMIRI IN ACHIEVING A COMPREHENSIVE SETTLEMENT OF THE CONFLICT**

### **Role of the UN**

There is also a grouse about resource allocation failing to keep pace with the mandate expansion. As a result, peacekeeping missions are called upon to do more and more with less and less. This has added to operational challenges faced by peacekeepers and missions are overstretched due to shortage of personnel and equipment. Despite the challenges UN face in mediating the tension between Pakistan and India, Secretary General Kofi Annan in his annual report for 1998 involved Kashmir with other hot spots around the world, linking it with the deadlock in Cyprus, the civil war in Sudan, the stalled Middle East peace process, ethnic violence in Kosovo and the continuing unrest in the Congo. The expected role of UN includes [1]:

- Talks under the UN umbrella, perhaps to the model of the proximity talks that were held on Afghanistan, which eventually resulted in the Geneva Accords and the withdrawal of Soviet forces from Afghanistan.
- This would not only complement Pakistan's insistence on the UN being a major party to the resolution of Kashmir dispute, but the form of the proximity talks would give India flexibility and face - saving till it is prepared to accept talking directly to Pakistan and the Kashmiris on the issue.
- UN to exercise its power and ensure the implementation of UN resolution on Kashmir with regard to holding a plebiscite.

### **Role of Pakistan**

Pakistan's political instability also poses a challenge to resolve the conflict. The external powers and world body such as UN was unable to advice the Pakistanis because there was a constant change of government and the military ruling was the most frequent government that Pakistanis had. The political instability also had caused a very unstable economic growth for Pakistan because this country could not maintain a good foreign relation [31]. Another aspect of Pakistan that makes the resolution to be tough to be reached is their dispute over the water resource. Pakistan and India were in a constant water dispute over the rivers that were allocated for both the countries via the Indus water treaty. Pakistan claim that the Indian misuse their water territory while India was demanding that they had the authority manage the parts allocated to India [32].

### **Role of India**

At national level, India wishes to crush the Kashmiri resistance through massive doses of repression and manipulation of differences among the Kashmiri resistance groups. Her policy of "divide and rule" is centred on using the pro-Independence Jammu

and Kashmir Liberation Front (JKLF) against the pro-Pakistan Hizbul Mujahedeen and weaken both groups through infighting[33]. At bilateral level, India has been avoiding any meaningful dialogue with Pakistan to gain more time to crush the resistance. She wishes to maintain status quo implying the conversion of existing cease-fire line in Kashmir into an international border. At the International level, India is pursuing a three-pronged strategy. Firstly deflecting Pakistan's campaign on human rights violations in Kashmir, secondly maintaining that Simla Agreement provides the frame work to settle all bilateral issues and lastly, branding the Kashmiri resistance movement as a terrorist, fundamentalist and secessionist movement with a potential to disintegrate India. More recently, the Indian political policy towards Kashmir has been centred on the magic word "autonomy", a trap to acquire international sympathy for being reasonable, divide the people of Kashmir, lull the freedom struggle, lure the people into false promises, ignore the UN resolutions on Kashmir, claim that Pakistan is not a party to the dispute, and eventually re-establish her waning writ in the state [34].

### **Role of Kashmiris**

Having waited in vain for nearly five decades for their promised right of self-determination, the Kashmiri people initiated an armed freedom struggle in 1989, to shed the yoke of Indian subjugation. These freedom fighters have made the world realise of the problem in the state of Kashmir. Indian all out efforts to tone down the Kashmiri's freedom struggle did not bear any fruit, and undaunted will of Kashmiri people to gain independence from India keeps gaining momentum with each passing day[35]. Traumatic experience of over two decades had convinced the Kashmiri population particularly the youth that their conformist and submissive local leadership had no potential to persuade or even plead their case for self-determination. Instead of promoting their cause for freedom, the local leadership was playing in the hands of Indian politicians. The Kashmiris having lost their faith in the leadership thus decided to take their destiny in their own hands [35].

### **Role of Major Powers**

In the past five decades, owing to different developments in South Asia, US policy has taken innumerable turns. Since 9/11 US stance on Kashmir clearly states that Pakistan is sponsoring terrorism inside Kashmir. Resultantly Pakistan had to ban religions groups inside Pakistan. Though Pakistan has been termed as a strong US ally in the war against terrorism however no positive statement on Kashmir has so far come from USA. India is also towing itself in line with USA on war against terrorism [32]. Russia is the strongest Indian ally and had been the main source of defence hardware supply for India. Russia always came for the rescue of the Indians when they got entangled in unwanted situations. The Tashkent Agreement is manifest of the same. Due to the traditional Indo-Soviet ties, Moscow views with suspicion steps taken by Pakistan for ensuring its national security. Though, after the disintegration of Russia, her super power status and influence has shown a decline, but her resolve to be a dominant world power is indicated by her developing ties with China, Japan, European Union and Iran. Russian strategic



partnership with India, her reassertion to keep the new Central Asian States under her economic and military influence, are definitely unfavourable trends. Recent visit by President of Pakistan to Moscow has paved the way through deep-rooted animosity of Russia towards Pakistan, however, it will still take long to fully normalise the relationship between two countries [36]. UK can without any hesitation be termed as responsible for all the miseries Kashmiri people are suffering today. Even then being a torch bearer of the International peace in pre and post September 11<sup>th</sup> time, has never tried to play even a proxy role for the solution of Kashmir issue [37]. China being a most trusted friend of Pakistan has always supported the Pakistan's stance on Kashmir issue and has always offered herself as a mediator to help solve this long outstanding issue between Pakistan and India. During Kargil conflict it was China who assured Pakistan of her unstinted support. China has maintained an overall tilt towards [38] Pakistan standpoint on Kashmir. Although, India's security perspective is focused primarily on Pakistan, but China comes up next, because of the border dispute, occupation of territory in Kashmir (Aksai Chin), Chinese military and diplomatic support to Pakistan, deployment of nuclear-tipped missiles in Tibet and competing economic and political interest. However, in view of the rapidly growing Chinese economy, China has decided to place its dispute with Russia and India in the back stage and has shown reluctance to openly confront USA and India. Furthermore, Chinese interest in foreign investment with gradual orientation towards market economy has also forced her to normalise her relations with India, so as to neutralise latter growing significance for the USA. Therefore, despite her sustained support to Pakistan on the Kashmir issue, China would probably dissuade Pakistan from seeking a military solution to the problems with India [27].

### **Role of Regional Organizations**

The OIC has been unable to play any role because of lack of unity among its members. Out of the Muslim Ummah, only four Islamic states have made their positions known – Saudi Arabia, Iran, Turkey and Yemen, while the rest have elected to keep quiet. During the past over five years, the Hurriyat Conference has been reportedly dismayed with the OIC for not adopting tough stand against India for forcing New Delhi to settle the dispute with the representatives of Kashmir and the Pakistan Government. The OIC members seem more concerned about the trade link with India than the plight of Kashmiri people [38]. Due to the conflict between two major regional players and Nuclear powers viz India and Pakistan, SAARC has not emerged as a success story like European Union, ASEAN etc. Other countries including Nepal, Bangladesh and Sri Lanka are also apprehensive of the growing economic, military and global relevance of India. Though India has shown magnanimity in the settlement of Teen Bigha with Bangladesh despite massive opposition on the home ground, patience on regular terror attacks aided, abated and guided by Pakistan's Intelligence agency ISI. The task of SAARC, as an organization becomes tougher due to different ideologies of the member countries as Pakistan and Bangladesh are Islamic Republics while India a secular republic. All the members prefer to be get aligned to one or other regional organizations than identifying themselves with SAARC. For instance, Pakistan and Bangladesh are more inclined towards Organization of Islamic Countries; likewise, Sri Lanka, Maldives and India identify themselves as

the members of the Association of Southeast Asian Nations (ASEAN). Each member of SAARC is having diverse security threat perception as Pakistan, Nepal, Bangladesh and Sri Lanka consider India as the biggest threat to their security. On the other hand, India consider the growing influence and interference of outside powers like USA and China into this region as the biggest threat to her security [38].

## **POSSIBLE RESOLUTIONS AND OPTIONS FOR KASHMIR'S FUTURE**

### **First Option: Plebiscite under UN**

It is based upon the UN Resolution of January 1949, which laid down that, “the question of the accession of the state of Jammu and Kashmir to India or Pakistan will be decided through impartial plebiscite under United Nations” [34].

Implication of the option:

- Accession with Pakistan would be in line with two nation theory and fulfil the aspirations of the people of Pakistan and Muslims of Kashmir.
- It would remove Pakistan's strategic vulnerabilities besides giving security to silk route between China and Pakistan.
- India considers it a non-starter and is not willing to even discuss as it no longer seems to be an option.
- Will remove the economic and military vulnerabilities of Pakistan forever by putting the rivers flowing through Kashmir under the control of Pakistan.

### **Second Option: Division of the State Accepting the Line of Control as International Border**

It is an option, which India has been conceding all along as it enables it to retain Indian Held Kashmir [39].

Implication of the option:

- The adoption of this option will be a major deviation from the basic stance of Pakistan about the Indian Held Kashmir.
- Easiest to implement as no change of boundaries is required.
- Alienation of Kashmiri people would be against our vital national interest.
- Adverse domestic political fallout for the government due to compromise on our principled stand.
- Indians would retain the control of the rivers flowing into Pakistan.
- Pakistan's economy and defence capability would always be under a constant threat.
- Pakistan's strategic vulnerabilities will not be addressed.

### **Third Option: Independent Kashmir**

In its classical sense, the Third Option envisages the independence of the whole state of Jammu and Kashmir including Indian Held Kashmir, areas under Pakistan's control i.e. Azad Kashmir and Northern Area as well as Aksai Chin plateau and Minor Tibet areas, presently under Chinese occupation [1].

Implication of the option:

- This may ultimately tilt the result of plebiscite in favour of India thus paving the way for Kashmir's accession to India.
- It would further accentuate the strategic vulnerabilities of Pakistan both in economic and military terms.
- Pakistan will have to give up not only Azad Jammu and Kashmir (AJ&K) but also Northern Areas.
- It will be a shock to the entire nation and could trigger political ramifications elsewhere in the country.
- There is a very strong likelihood of an independent Kashmir becoming a hot bed of International intrigue.
- Independent Kashmir without solid economic aid from outside is not feasible.
- The demographic realities are also diametrically opposed to the idea of independence.
- Pakistan's road link with China and hydroelectric resources of Mangla Dam would become dependent on the Kashmiri good will. If aligned with India it will have serious security implications for Pakistan.

### **Fourth Option: Partition of Jammu and Kashmir along River Chenab on The Basis of Religious Affinities (Chenab River Formula)**

The option of partitioning Jammu and Kashmir on the basis of religious affinities along River Chenab, in fact is a carrying forward of unfinished agenda of partition. It implies that India retains Hindu and Buddhist majority areas of Jammu and Ladakh while Northern Areas, Azad Kashmir, Valley and districts of Muslim majority in Jammu and Kargil region join Pakistan [40].

Implication of the option:

- The pursuit of this option would imply abandoning of our principled stand based on UN resolutions.
- The precedence for such a divide at the time of partition in case of Punjab and Bengal already exists.
- There are likely to be some border adjustments and refugee problems, which could be resolved through negotiations.
- The waters of the three Western rivers would also be guaranteed.
- If handled boldly, this option has the potential of gaining acceptability in India and at international forums.

- Valley and other fertile areas coming to Pakistan will strengthen Pakistan's economy.

### **Fifth Option: Regional Plebiscite**

It involves holding of regional plebiscite by dividing the state zones keeping in view the demography of various areas and their likely pattern of voting. This proposal is in line with the long-standing proposal of Sir Owen Dixon of the 1950s. It envisages division of Jammu and Kashmir for plebiscite into Valley, Jammu, Ladakh, Azad Kashmir including Northern Areas, to enable the people of these four regions to separately decide on accession to either Pakistan or India [16].

Implication of the option:

- This option is in sympathy with history and is likely to gain public acceptance in Pakistan and Kashmir.
- Pakistan will get all strategically important areas and link with China will be ensured.
- The suggested boundaries are likely to result in certain rehabilitation and border adjustment problems, which could be amicably resolved with India.
- Accession of Kashmir will tremendously boost the economy of Pakistan by putting the rivers flowing through Kashmir under the control of Pakistan.
- In case India is successful to manipulate the plebiscite, the problem will still not be solved due to resistance of Muslim population.

## **CONCLUSION**

The study shows that the attitudes and approaches of the parties in conflict are better explained using theories of realism and neoliberal institutionalism. Given the protracted nature of the conflict, the positions of Pakistan, India and Kashmir were analysed via the perspectives of realism and neoliberal institutionalism. Pakistan should strengthen its own domestic political stability, stop supporting terrorism in Kashmir and improve social and economic development in the disputed area. But India too needs to improve its relations with Kashmir, and the most important aspect of this is to respect the Indus Water Treaty. India needs to reduce tension at the LoC and this has to be done collaboratively with Pakistan. It is recommended that Kashmir should adopt population resettlement, while the UN can increase its role by sending more of its military forces to all the conflict locations to maintain peace. However, it is concluded that the mediation effort will continue to be in vain as long as India insists on maintaining the territorial status quo while on the other hand Pakistan continues to support terrorism in Kashmir. Nevertheless, the UN stand still reflects that the neoliberal institutionalism approach involving UN mediation offers better prospects for conflict resolution and peace.

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# **THE AFFECTIVE COMMITMENT AS A MEDIATOR IN RELATIONSHIP BETWEEN MILITARY COMMANDERS TRANSFORMATIONAL AND TRANSACTIONAL LEADERSHIP WITH SUBORDINATES JOB SATISFACTION IN MALAYSIAN ROYAL SIGNALS CORP**

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## **ABSTRACT**

*Studies have determined that job satisfaction level of military personnel is lower than employees of non-military organization and this study intends to empirically investigate the direct effect of military commanders transformational and transactional leadership towards subordinate's job satisfaction and the indirect effect of affective commitment as a mediator variable. The study aims to determine whether the two different leadership styles have direct effect on the subordinates' satisfaction or its indirectly mediated by affective commitment. A quantitative approach was taken using PLS SEM approach and reliable structured questionnaires as research instruments. A simple random sampling of 54 Junior officers and 331 other ranks from the Royal Signal Corp were used as respondents. The findings illustrate that a direct effect of transformational leadership to job satisfaction was significant while no significance in transactional leadership's direct effect to job satisfaction. It was also found that affective commitment indirectly affects the relationship between transformational leadership, transactional leadership and job satisfaction.*

**Keywords:** *Transformational Leadership; Transactional Leadership; Affective Organizational Commitment; Job Satisfaction; Partial Least Square Structure Equation Modelling (PLS SEM).*

## **1. INTRODUCTION**

Spector [1] states that job satisfaction influences people's attitude towards their jobs and various aspects of their jobs. Job satisfaction is affected by personal and organizational factors, which causes an emotional reaction affecting organizational commitment [2, 3]. The consequences of job satisfaction include better performance, and a reduction in withdrawal and counter-productive behaviours [4]. Since job satisfaction involves employee's affect or emotions, it influences an organization's well-being with regards to job productivity, employee turnover, absenteeism, and life satisfaction [1, 5]. Motivated employees are crucial to an organization's success, and therefore understanding people in their jobs and what motivates them could be a driving force in strengthening organizational commitment [6]. Organizational commitment has attracted considerable interest as attempts have been made to better understand the



intensity and stability of an employee's dedication to the organization [7]. Allen and Meyer [8] identified a link between organizational commitment and employee turnover, and concluded that employees who were strongly committed to the organization were less likely to leave it. In a military organization, strong commitment from soldiers often translates into their will to fight and preserve the sovereignty of their country. The commitment of its personnel is important for the military, as it is the impetus for achieving higher productivity and retention of valuable talent within the organization.

Research conducted by Huang [9] identified a relationship between organizational culture and job satisfaction, in which a relationship between a manager's leadership style and the employee's job satisfaction was established. Rad and Yarmohammadian [10] also emphasized the criticality of job satisfaction in attracting and retaining well-qualified personnel. This is especially true in professions where a large degree of training and education is necessary, such as the military. Ortiz, Carraher, and Cellum [2] correlated employee happiness with productivity and stressed a strong likelihood that happy employees will remain within the organization. They also noted that poor or ineffective leadership is the reason many employees leave organizations.

Leadership has been identified as one of the factors affecting job satisfaction [11, 12]. Martin [11] and Loke [12] identified a relationship between leadership and job satisfaction in businesses. There is a gap in the literature regarding how and to what extent leadership has on job satisfaction in the military. Several studies have determined the job satisfaction level of military personnel is lower than employees of non-military organizations [13-15]. Sanchez et al. [15] contend this lower level of job satisfaction may be attributable to inherent stress factors associated with the work environment of military employees.

The relationship between leadership styles and job satisfaction was reported in multiple studies [21]. Loke [12] identified a relationship between leadership practices and job satisfaction. Several recent unpublished dissertations also addressed aspects of leadership and job satisfaction. Smith [16] conducted a mixed method style of research in analyzing the relationship between several school principal's teaching styles and job satisfaction for teachers who have taught for less than two years in Western North Carolina rural schools. Smith's [16] research determined the job satisfaction of inexperienced teachers was enhanced by regular, specific, and positive feedback from principals. Findings of a quantitative research study by Martin [11] determined a "moderate statistically significant, positive relationship" between job satisfaction and leadership practices of employees at the National Aeronautics and Space Administration in Langley, Virginia. Quantitative research conducted by Klein [17] reported a positive correlation exists between job satisfaction of the Wisconsin Technical College System faculty and the leadership practices of their direct supervisors.

In a study focused on the relationship between leadership, organizational culture, and employee's job satisfaction, Chang et al. [18] found leadership behaviours and organizational culture can positively affect the employee's job satisfaction. Henderson

[19] conducted a quantitative study of 33 U.S. Army care managers (civilian, social workers who provide mental health and family services to combat veterans) to determine how satisfied they were with their duties, resources, training, and supervision. A Care Manager Survey was developed to measure the worker's perceptions of job satisfaction and the environment. Although the sample size was small for a quantitative study (33 respondents), the participants indicated they were satisfied with their jobs. In another job satisfaction study, Yang [20] identified a positive relationship between transformational leadership and employee job satisfaction for sales managers and employees of four large firms. Based on Sanchez et al. [15] research, this study examines whether the military commander's leadership styles plays a role in predicting job satisfaction among subordinates in the Royal Signals Corp. From the literature discussed above, this study investigates the relationship between the transformational and transactional military commander's leadership styles with their subordinate's job satisfaction.

Strong positive relationships have been observed between job satisfactions to affective commitment [1, 21, 22]. Research results indicate that satisfied employees tend to be committed to an organization, and employees who are satisfied and committed are more likely to attend work, stay with an organization, arrive at work on time, perform well, and engage in behaviours helpful to the organization [23, 24]. From the literature discussed, this study investigates the direct effect of the relationship between a military commander's leadership style with their subordinate's job satisfaction and indirect effect through the affective commitment of junior officers and their other ranks counterpart in the Royal Signals Corp.

### **1.1. Problem in this Study**

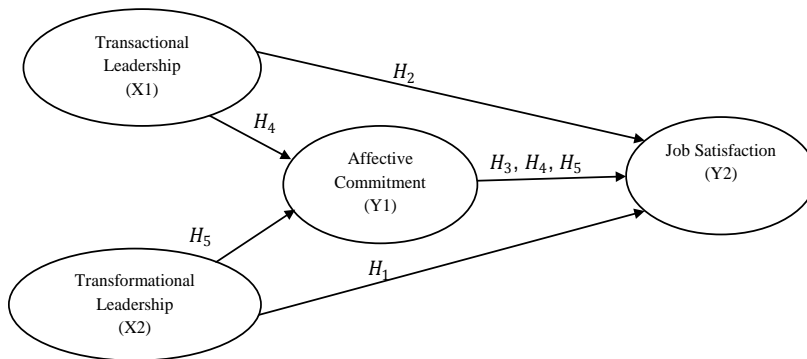
Multiple studies in the past have linked leadership to job satisfaction, organizational commitment, or employee happiness in business organizations [11,25,26]. This research study differs from previous researches conducted in this area because it explores a selected leadership style; transformational and transactional leadership, not leadership in general. Moreover, it analyzes the perceptions of the subordinate personnel in the military rather than teachers, nurses, or employees from other business organizations. A few isolated studies have already been carried out in the Malaysian military context, thus clarifying the role of leadership and its impacts on the employee's outcomes like job satisfaction and commitment [27-29]. Currently no studies have been conducted that explicitly examines the relationship of leadership styles and behavioural outcomes like job satisfaction and commitment to the integrative one model in Malaysian military environment. In Malaysia, the military organization and country defence policy rarely gets the attention of researchers, probably because of the difficulties in obtaining the proper authorization from the military in order to keep the military operational and defence policy confidential.

This study intends to establish, first; the direct effect of the relationship between the military commander's transformational and transactional leadership with their

subordinates' job satisfaction. Secondly, based on organizational commitment theories, this research intends to determine whether the soldier's affective commitment to the organization has indirect effects on the relationship between the military commander's leadership with the subordinates' job satisfaction. This study proposes the following hypotheses.

- $H_1$  : The military commander's transformational leadership is positively related to their subordinates' job satisfaction.
- $H_2$  : The military commander's transactional leadership is positively related to their subordinates' job satisfaction.
- $H_3$  : The subordinates' affective commitment is positively related to the subordinates' job satisfaction.
- $H_4$  : The subordinates' affective commitment mediates the relationship between the military commander's transactional leadership and their subordinates' job satisfaction.
- $H_5$  : The subordinates' affective commitment mediates the relationship between the military commander's transformational leadership and their subordinates' job satisfaction.

## 1.2. Research Model



**Fig.1: Proposed Research Model**

## 2. Materials and Methods

This research was conducted at the Royal Signals Corp, a field unit of the Malaysian Army. The approach used in this study is a quantitative approach. The populations in this study consisted of junior officers including that of Captain and below, as well as other ranks including warrant officers class one and below based on all 17 Regiments and Squadrons of the Royal Signals Corp. The main reason this field unit (Regiment and Squadron) was selected is that the military commander and subordinates are based together in one camp. Thus, the researchers are able to examine the military commander leadership on their subordinates.

A total of 384 army personnel were randomly selected for this study. The instruments used in this study were adapted from various sources. The dependent variable of the study (job satisfaction) was adapted from the MSQ developed by Weiss and Dawis [30]. The instruments utilized to measure independent variables (transformational and transactional leadership) were adapted from MLQ developed by Bass and Avolio [31]. Lastly, the instruments for the mediator variable were adapted from OCQ developed by Mowday, Steers and Porter [32]. The results of reliability analysis of these instrument are as follows; MSQ ( $\alpha = 0.86$ ), MLQ (transformational leadership:  $\alpha = 0.86$ , transactional leadership:  $\alpha = 0.80$ ), and OCQ ( $\alpha = 0.81$ ). All factors of the theoretical model were measured with five point Likert type questions. The answers ranged from ‘Strongly Dissatisfied’ to ‘Strongly Satisfied’ to measure the level of satisfaction, ‘Strongly Disagree’ to ‘Strongly Agree’ to measure the level of commitment and ‘Not at all’ till ‘Frequently if not always’ to measure the military commanders leadership, depending on the way the proposition was stated.

### 3. Results

#### 3.1. Assessment of the Structural Model

In order to assess the structural model, the significant of path coefficient, the coefficient of determination ( $R^2$ ), the effect size, the predictive relevance, and the effect size were examined [33-35]. The overall satisfaction of the model is reflected in the coefficient of the determination ( $R^2$ ) of our endogenous latent variables, a common indicator in multiple regression analysis. Hair *et al.* [34] classifies values of 0.25, 0.50, or 0.75 as weak, moderate, or substantial, respectively. The resultant baseline model using an inner model path weighting scheme shows a moderate of 0.569 and 0.537 for Affective Commitment and Job Satisfaction, respectively. Blindfolding procedure (omission distance = 7) to evaluate Stone-Geisser criterion revealed values greater than 0 for every variable, thus providing support for the model predictive relevance regarding the endogenous latent variables [33-35]

**Table 1.  $R^2$ , Communality and Redundancy**

Construct	$R^2$	Communality AVE	$Q^{2b}$
Transformational Leadership		0.687	
Transactional Leadership		0.666	
Affective Commitment	0.569	0.579	0.322
Job Satisfaction	0.537	0.570	0.293
Average	0.553	0.625 <sup>a</sup>	0.307

.<sup>a</sup>The average of communality is computed as a weight average of all of the communalities using weights as the number of manifest variables in each construct with at least two manifest indicators.

.<sup>b</sup>The cross-validated redundancy measure is derived from the blindfolding procedure with an omission distance of seven.

Table 2 displays the path coefficients, t values and their significant level, and the 95% confident intervals for main effects model with Affective Commitment as a mediator variable.

Table 2. Structural model assessment

Path	Coefficient	t value	95% CI
Transformational leadership → Job Satisfaction	0.267***	2.609	(0.067,0.467)
Transactional Leadership → Job Satisfaction	0.123	1.140	(-0.089,0.335)
Affective Commitment → Job Satisfaction	0.401***	5.420	(0.261,0.559)
Transformational Leadership → Affective Commitment	0.364***	2.681	(0.097,0.631)
Transactional Leadership → Affective Commitment	0.427***	3.066	(0.155,0.699)

$t(0.05,999)=1.65, t(0.01,999)=1.96,$

$t(0.01,999)=2.57$

\* $p < .05$ , \*\* $p < .01$ , \*\*\* $p < .001$

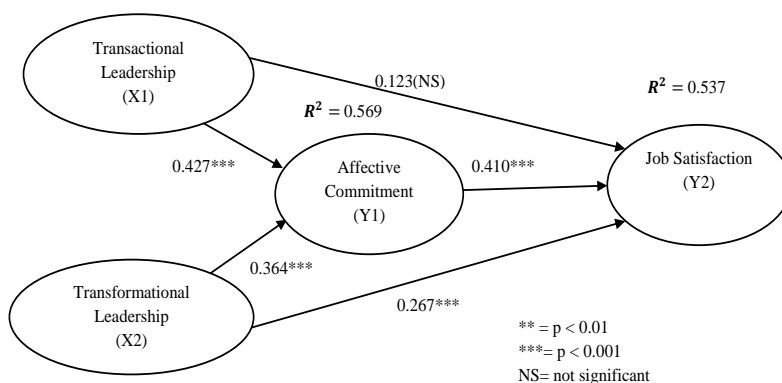


Fig. 2: The main effects model: Affective Commitment as a Mediator Variable

The final assessment addresses the  $f^2$  and  $q^2$  effect sizes. The effect size of 0.02, 0.15, and 0.35 indicate an exogenous construct's small, medium, or large effect, respectively, on the endogenous construct [36]. To calculate the  $f^2$  value of a selected endogenous latent variable, the  $R^2_{\text{included}}$  and  $R^2$  were used. The  $R^2_{\text{included}}$  values were obtained from a model reestimation after omitting a predecessor of that exogenous latent variable [33]. For example, the endogenous latent variable Job Satisfaction has an original  $R^2$  value of 0.537 ( $R^2_{\text{included}}$ ). If Affective Commitment was removed from structure model and the model reestimated, the  $R^2$  of Job Satisfaction has a value of only 0.466 ( $R^2_{\text{included}}$ ). These two values were the inputs for calculating the  $f^2$  effect sizes of Affective Commitment on Job Satisfaction, i.e.,  $0.537 - 0.466 / 1 - 0.537 = 0.153$ . Thus, the  $f^2$  effect size of Affective Commitment on Job Satisfaction is moderate. The  $q^2$  effect size is calculated in a similar way. However, instead of the  $R^2$  values, the  $Q^2$  values of predictive relevance were used as inputs [34].

In Table 3, the target construct appears in the first row, whereas the predecessor construct appears in the first column. For example, the  $f^2$  and  $q^2$  effect size of Transformational Leadership on Affective Commitment are 0.097 and 0.042, respectively. Lastly, the value of  $R^2$ , in the case of standardized variables, may be decomposed in terms of the multiple regression coefficient and correlations between the dependent variable and the explanatory ones [37]. This decomposition allows the understanding of the contribution of each explanatory variable to the prediction of the dependent one, for example, Table 3 shows that Affective Commitment is the most importance variable in the prediction of overall job satisfaction, contributing to 52.7% of the  $R^2$ .

**Table 3. The  $f^2$  and  $q^2$  effect sizes and contribution to  $R^2$  (%)**

Construct	First Set Affective Commitment			Second Set Job Satisfaction		
	$f^2$	$q^2$	Contribution to $R^2$ (%)	$f^2$	$q^2$	Contribution to $R^2$ (%)
	Effect	Effect		Effect	Effect	
	sizes	sizes		size	sizes	
Transformational	0.097	0.042	0.456	0.041	0.215	0.146
Transactional	0.137	0.058	0.544	0.011	0.008	0.327
Affective Commitment				0.153	0.060	0.527
Job Satisfaction						

**3.2. Hypothetical Test**

***3.2.1. The military commander's transformational leadership is positively related to their subordinates' job satisfaction***

**Table 1. Result of Direct Influence Test between Transformational and Job Satisfaction**

Dependent Construct	Independent Constructs	Path Coefficient ( $\beta$ )	Observed t statistics	Significant Level
Job Satisfaction ( $R^2=0.537$ )	← Transformational Leadership	0.264	2.629	0.000

Based on the analysis, it shows that job satisfaction is influenced directly by the military commander's transformational leadership ( $\beta=0.264$ ,  $t=2.629$ ,  $p=0.000$ ). As a result, hypothesis  $H_1$  is supported.

### ***3.2.2. The military commander's transactional leadership is positively related to their subordinates' job satisfaction***

**Table 2: Result of Direct Effect Test between Transactional and Job Satisfaction**

Dependent Construct	Independent Constructs	Path Coefficient ( $\beta$ )	Observed t statistics	Significant Level
Job Satisfaction ( $R^2=0.537$ )	← Transactional Leadership	0.123	1.141	0.221

Based on the analysis, which states that the compatibility of the existing transactional leadership style within the unit does not correspond to the results obtained ( $\beta=0.1234$ ,  $t=1.141$ ,  $p=0.221$ ), whereby the direct effect of transactional leadership style on the subordinates' job satisfaction was insignificant. It shows that job satisfaction is not directly influenced by the military commander's transactional leadership. As a result, hypothesis is rejected or unsupported.

### ***3.2.3. Discussion***

The results of the analyses showed that there was an influence of the military Commander's transformational but not transactional leadership style to their subordinates' job satisfaction. This suggests that only the transformational style practiced by military commanders in the Royal Signals Corp unit was influential in improving the job satisfaction of their subordinates. It is based on the overall average value of the variable transformational which higher category (a mean transformational score of 3.05 and standard deviation of .33 while a mean transactional leadership score of 2.91 and standard deviation of .51), which indicates that many of the subordinates were more responsive towards the current transformational leadership style. The varying styles of leadership depend on the situation and many subordinates of the Royal Signals Corp have more

satisfaction towards their leader's idea of varying leadership based upon the situation. The study results support Yeakey's [38] idea of varying leadership style based upon the situation.

The results of the analyses showed that the highest loading factor on the style of leadership is attributed to the transformational leadership method, indicating that subordinates are assessing the leadership styles primarily on the transformational leadership method. Subordinates are more likely to view leaders who adopt the transformational leadership style as leaders who are capable of providing guidance, encouragement, and cooperation in completing tasks. These results are in accordance with a study by Klein [17], whereby a positive correlation exists between job satisfaction and leadership practices of their direct supervisors. On the other hand, the lowest loading factor is attributed to the transactional leadership style, which indicates that many of the subordinates see their leaders short of providing direction and rewards. The lowest loading factor shown by the subordinates in this present study may be general in nature, as the transactional leadership style (reward and punishment) was the predominant style of leadership practice in the military [29]. Military leaders give orders and expect their subordinates to carry them out.

### ***3.2.4. The subordinates' affective commitment is positively related to the subordinates' job satisfaction.***

**Table 3. Results of Direct Effect Test between Affective Commitment and Job Satisfaction**

Dependent Construct		Independent Construct	Path Coefficient ( $\beta$ )	Observed t statistic	Significant Level
Job Satisfaction ( $R^2=0.537$ )	←	Affective Commitment	0.410	5.452	0.000

Based on the analysis, it shows that job satisfaction is influenced directly by the subordinates' affective commitment ( $\beta=0.410$ ,  $t=5.452$   $p=0.000$ ). As a result, hypothesis  $H_3$  is supported.

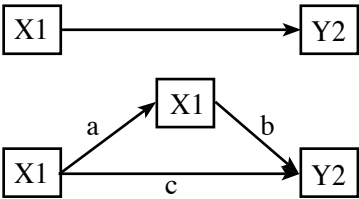
### ***3.2.5. Discussion***

The results of the analyses of the influences of commitment to the military services on the subordinates' job satisfaction are positive, whereby the affective organizational commitment affects the subordinates' job satisfaction. The path coefficient is positive, indicating that both the influences are in the same direction. The higher the affecting organizational commitment, higher the subordinates' job satisfaction, and vice versa. This can be seen clearly on the basis of the overall average value of affective organizational commitment variables at high categories.



It can be deduced that the affective commitment of the subordinates of the Royal Signals Corp currently includes the willingness to work with relatively small salary, and that retirement is one of the main attractions for the subordinate to continue working. Overall, the existing organization's commitment to their subordinates of junior officers and their other ranks counterparts of the Royal Signals Corp currently includes affective commitment (including the progressive values of the present military organization, the attention of the unit, subordinates happy to spend the rest of their career with the military organization), subordinates' willingness to carry out their duties even though the military's remuneration scheme is relatively small, frequently relocated, retirement is an attraction for junior officers and their other ranks counterparts), the military becomes the profession of choice for subordinates until retirement, the military profession provides job security to the junior officers and other ranks counterparts in the Royal Signals Corp against all the existing risks), and has already been able to increase the overall subordinates' job satisfaction. Thus, affective commitment in the Royal Signals Corp is currently beneficial for the corps, and if retained will further improve the subordinates' commitment to the unit in the future. These results are in line with the findings reported by Spector [1], that job satisfaction relates most strongly to affective commitment. The findings may be attributed to the notion that both job satisfaction and affective commitment relates to an individual's attitude towards their work.

**3.2.6. The subordinate's affective commitment mediates the relationship between the military commander's transactional leadership and their subordinates' job satisfaction**



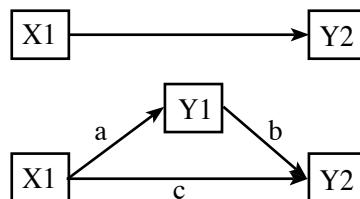
**Table 1.4: Results of the analysis of Affective Commitment mediation for Transactional Leadership influence towards Job Satisfaction**

Model Without Mediation Variable					
Path	Relation	Path Coefficient ( $\beta$ )	Observed t statistic	Significant Level	Remark
c	X1 $\rightarrow$ Y2	0.128	1.225	0.221	Not Significant

Model With Mediation Variable					
Path	Relation	Path Coefficient ( $\beta$ )	Observed t statistic	Significant Level	Remarks
c'	TL→JS	0.123	1.164	0.245	Not Significant
a	TL→AC	0.427	3.021	0.002	Significant
b	AC→JS	0.410	5.354	0.000	Significant
	TL→AC→JS	0.298	3.312	0.001	Significant

Based on the analyses, it is observed that job satisfaction is influenced indirectly by the military commander's transactional leadership through affective commitment ( $\beta=0.298$ ,  $t=3.312$   $p=0.001$ ). As a result, hypothesis  $H_4$  is supported; there exists an indirect effect in the relationship between the military commander's transactional leadership and their subordinates' job satisfaction. The relationship is highly significant below the 0.01 levels and VAF (Variance Accounted For) = indirect effect/total effect =  $0.175/0.298 = 0.587$  or 58.7% (fully mediated), which states that the compatibility of the existing transactional leadership style within the unit is fully mediated by affective commitment to improve the subordinates' job satisfaction in the Royal Signals Corp unit. The results show that the direct effects of transactional leadership style on subordinates' job satisfaction are insignificant. Hence, in order to influence the subordinates' job satisfaction, the military commander's transactional leadership style must be strengthened through affective commitment.

### 3.2.7. *The subordinates' affective commitment mediates the relationship between the military commander's transformational leadership and their subordinates' job satisfaction*



**Table 1.5: Results of the analysis of Affective Commitment mediation for Transformational Leadership influence towards Job Satisfaction**

Model Without Mediation Variable					
Path	Relation	Path Coefficient ( $\beta$ )	Observed t statistic	Significant Level	Remark
c	X2 $\rightarrow$ Y2	0.264	2.586	0.010	Significant
Model With Mediation Variable					
Path	Relation	Path Coefficient ( $\beta$ )	Observed t statistic	Significant Level	Remarks
c'	X2 $\rightarrow$ Y2	0.267	2.604	0.009	Significant
a	X2 $\rightarrow$ Y1	0.364	2.647	0.008	Significant
b	Y1 $\rightarrow$ Y2	0.410	5.354	0.000	Significant
	X2 $\rightarrow$ Y1 $\rightarrow$ Y2	0.416	4.747	0.000	Significant

Based on the analyses, it shows that job satisfaction is influenced indirectly by the military commander's transformational leadership through affective commitment ( $\beta=0.416$ ,  $t=4.747$   $p=0.000$ ). is supported, there exists an indirect effect in the relationship between the military commander's transformational leadership and their subordinates' job satisfaction. The relationship is highly significant below the 0.01 levels and VAF = indirect effect/total effect =  $0.149/0.416 = 0.358$  or 35.8% (partial mediation).

### **3.2.8. Discussion**

The transformational leadership style is currently more influential in fostering the subordinates' commitment to military services of the Royal Signals Corp as a whole, which includes the military values that were developed in accordance with the task. As part of the affective organizational commitment method, subordinates are offered attractive pensions at retirement which in turn will facilitate the retention of personnel and increase job satisfaction, despite relatively small salaries. Based on the existing results, it is clear that affective organizational commitment can mediate the influence of transformational and transactional leadership styles that exists in the unit to predicting increases in the subordinate's job satisfaction. If this is ignored constantly by the military commanders of the Royal Signals Corp, it may have an impact on the overall subordinates' job satisfaction.

Due to the inconclusive effectiveness of the transactional leadership style, the method could not be implemented and maintained at the Royal Signals Corp unit. Based on observations in the field, a lot of subordinates expect participatory leadership from their commanding officers, whereby this method of transformational leadership pursues a persuasive approach to create a harmonious cooperation, and foster loyalty

and participation of subordinates. Furthermore, based on field observations, it is also appropriate if the military commanders of the Royal Signals Corp apply the transformational leadership style. In order to increase affective commitment of the subordinates to the military services, the Corps requires a leader who has the legal power and authority to remain as the top officer. This notion is also based on the history of the military unit which has undergone several transformations to change the military environment in which every government organization is always synonymous with the rules and bureaucracy of the current ruling government. Thus, transformational leadership style would be more appropriate when applied to government organizations (military organization) such as the Royal Signals Corp.

Should the military commanders of the Royal Signals Corp retain undeveloped leadership methods as it is presently doing, the military commander of the Royal Signals Corp may encounter many obstacles in the future. These results are in accordance with studies by Klien [22] and Martin [23]. The results showed that the relationship between models of leadership style to job satisfaction is positive and significant. The results of this study does not support the results presented by Anwar and Ungku Ahmad [25], in which leadership styles do not directly affect the subordinates' job satisfaction, but is mediated by affective organization commitment, whereas in this study the transformational leadership style had an effect but not transactional leadership style on the job satisfaction of subordinates through affective organizational commitment as a mediating variable. Furthermore, the results of this study confirm the theory once proposed by Hersey and Blanchard [39] that one style of leadership should not be used for every task, group of followers or situation. The effective leaders would vary their leadership styles to achieve optimal results based on the environment, task, follower characteristics, and situation.

The analyses above shows that affective organizational commitment has a mediating role in relationship both transformational and transactional leadership styles with the subordinates' job satisfaction. It is clear that affective organizational commitment is mediated in part (partial mediation) by the effects of transformational leadership styles of the military commanders on job satisfaction, and affective organizational commitment is mediated in full (full mediation) effect by transactional leadership style towards the subordinates' job satisfaction. Thus, the higher the affective organizational commitment owned by the subordinates of the Royal Signals Corp, the higher the subordinates' satisfaction will increase, in terms of working quality (mastering of jobs by the subordinates, the work the subordinates are tasked with, subordinate's pace of work), work quality (quality of the subordinates' job, work tasks in accordance with the standards in the unit, increase of subordinates' job quality standards from day to day), as well as time management (jobs and tasks assigned to subordinates by the unit and the leader were completed within the timeframe). It is better if all these factors can be maintained and enhanced so that the subordinates and the unit will be able to improve their commitment towards the Royal Signals Corp as a whole.

These results are consistent with studies conducted by Spector [1], Aamodt [23] and Kotze and Roodt [24]. The results of their study stated that the model of the relationship

of organizational commitment on job satisfaction is positive and significant. Furthermore, the results of this study strengthens and supports the theory advanced by Robbin [40], that organizational commitment is the degree to which the subordinates were in favour of a particular organization and its goals and intention to maintain membership in the organization. The results also support the theory proposed by Cash and Fisher [41], whereby the subordinate's performance is what has been produced by individuals either work quality, quantity and timeliness of work.

Thus, of the four hypotheses presented, three were supported, the positive and significant, i.e. the military commander's transformational leadership has a direct effect to their subordinates' job satisfaction, the subordinates' affective commitment has a direct effect to subordinates' job satisfaction, the affective commitment has an indirect effect in the relationship between the military commander's transformational leadership and their subordinates' job satisfaction, affective commitment has an indirect effect in the relationship between the military commander's transactional leadership and their subordinates' job satisfaction. However, the military commander's transactional leadership has no direct effect to their subordinates' job satisfaction.

#### **4. CONCLUSION**

In this study, it was observed that the transformational leadership styles affects the subordinates' job satisfaction mediated by affective commitment, whereas transactional leadership styles had no effect directly on the subordinates' job satisfaction. Affective commitment is mediated in part (partial mediation) by the influence of the transformational leadership on the subordinates' job satisfaction. Affective commitment is mediated in full (full mediation) by the effect of transactional leadership to the subordinates' job satisfaction.

The findings in this study are capable of contributing to the development and confirmation of the theory of organizational commitment and employee's job satisfaction in terms of the development of human resource concepts. The results of this study reinforce the concept of the relationships between organizational commitment and employee's job satisfaction. In addition, the study proves that a high level of organizational commitment can improve the employee's job satisfaction.

The results of this study provides a positive contribution to the military commanders of the Royal Signals Corp to always be mindful, consistent, and improve the delivery of leadership styles and job satisfaction. The results may provide insight into the importance of the application of concepts of commitment for subordinates and transformational and transactional leadership styles of military commanders that exist within a unit, increase commitment to the military services and the subordinates' job satisfaction in maintaining and developing the human resources in the unit. The results of this study reinforce the concept of the relationship between transformational and transactional leadership with job satisfaction through organizational commitment, as shown in previous studies e.g. [1, 42].

#### **4.1. Limitation of the Research**

Respondents involved in this study have educational background, experience, and were varied in age. Not all of the respondents were able to answer the questionnaires properly, in this case there were a respondent who were not able to answer the questionnaires or convey their ideas thoroughly, and thus there is a tendency towards low response consistency and are less in accordance with actual reality. Measurements of the research variables were based on the respondent's perception, which was strongly influenced by the respondent's memory, and judgments towards themselves, in turn, allowing some bias in the measurements. Unavailability and time constraints owned by the respondents at the time of answering the questionnaire or providing feedback potentially affected the respondent's answers in describing symptoms or phenomena that occur within their duty. The results of the research conducted at the Royal Signals Corp unit have characteristics that may differ from other Army units, both in military ethics and cultural characteristics.

#### **4.2. Recommendations**

Transformational leadership had direct effects towards the subordinates' job satisfaction and indirect effect by the affective commitment. The transformational leadership portrayed by the military commanders in the unit towards their subordinates are now fairly in accordance with the expectations of the subordinates and could potentially improve the subordinates' job satisfaction. Furthermore, with the increased support and strengthened commitment of the subordinates of the Royal Signals Corp, this will also further improve their job satisfaction, and the retention of valuable talented personnel in the organization.

Transactional leadership styles have no direct effect towards the subordinates' job satisfaction in this study because this may be synonymous with traditional military leadership practices [29], however, it has an indirect effect on the subordinates' job satisfaction with full mediation by affective commitment. That is, the transactional leadership style of the military commanders in the Royal Signals Corp was also indirectly correlated influential in improving the job satisfaction of junior officers and their other rank counterparts. This is due to the undeveloped styles of transactional leadership which is always practiced in the military (reward and punishment) and many subordinates of the Royal Signals Corp are less trusting of their commanding officers today.

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## **DECISION MAKING IN ORGANISATIONAL BEHAVIOUR: A REVIEW OF MODELS, FACTORS AND ENVIRONMENT TYPES, AND PROPOSAL OF AHP**

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### **ABSTRACT**

*When it comes to business organisations, decision making is an important process for personnel at all levels. This applies particularly to managers, who are required to make decisions that can have long-term and far-reaching consequences for the organisation. The objective of this paper is to describe decision making models and their processes. The factors that influence decision making and the types of decision making environments are also discussed. As errors in decision making often occur because decision makers do not consider the various factors involved in decision making, analytical hierarchy process (AHP) is proposed as an effective tool for decision making in organisations..*

**Keywords:** *Decision making; organisational behaviour; models; environments; analytical hierarchy process (AHP).*

### **INTRODUCTION**

Decision making is one of the most important roles of managers, which is a phenomenon that is unique and often gets the attention of the public. This is because the behaviour of managers and the results of decision making are variable and often relate to each other, and are able to provide specific implications on the performance and image of organisations [1]. Making decisions is sometimes simple, but is often difficult if there are many alternatives. The more alternatives available, the increasingly difficult it is to make decisions [2]. Making decisions in a company or organisation happens at all levels. Organisations make some decisions after a great deal of research and forethought, while other decisions are made instantaneously in reaction to emergency situations. The decisions can have varying effects, from long-term and far-reaching to short-lived and practically unnoticed [1].

Decision making in organisational behaviour causes problems if decisions are made based on individual interests against the interests of the organisation. In addition, lack of information and experience, as well as decision makers not fully understanding the decision making process also affect the decisions made. Furthermore, there are also situations where we have to deal with various issues and controversies for any action

taken. Errors in decision making can cause a company to lose out, such as through financial implications. It is also difficult to satisfy all parties involved. Dissatisfactions that arise if wrong decisions are made could trigger a crisis in the organisation. Hence, some companies are willing to fork out money to hire professional consultants to determine correct and accurate decisions for the organisation before taking any action. In addition, various models and approaches have been developed to determine whether the results are really accurate and give the desired output. However, the effectiveness of these methods have been questionable [2, 3].

This study explores decision making models and their processes. Factors that influence decision making and the types of decision making environments are also discussed. As errors in decision making often occur because decision makers do not consider the various factors involved in decision making, analytical hierarchy process (AHP) is proposed as an effective tool for decision making in organisations.

## **LITERATURE REVIEW**

### **Definition of Decision Making**

According to Business Dictionary [4], decision making is “*the thought process of selecting a logical choice from the available options*”. It involves weighing the pros and cons of each option, and considering the various alternatives. The decision maker needs to forecast the outcome of each option in order to determine the most suitable option for the given scenario [5].

Decision making is a dynamic cycle set in a complex and chaotic environment, which is influenced by the interactions between complex human beings [6]. Decision making can be defined as the process of identifying existing problems, generating alternative solutions, choosing the best solution and implementing the decisions made, or the process of selecting a solution from several alternatives [2].

Most decision makers collect information, examine and select options, predict likely outcomes based on those options, and consider the relative value of the options, all in light of particular goals. Within organisations, the frequency of certain types of decisions being made and the information used for the decision making need to be taken into consideration [7].

### **Decision Making Models**

Managers devote substantial efforts to making appropriate organisational decisions. Many important theorists and practitioners consider decision making to be the most crucial managerial function. Hence, managers need to recognise their obligation to

develop advanced personal decision skills by enhancing their knowledge on the decision making process, in particular on aspects of relevant theories, approaches, methods and techniques. In the process of the development of technologies nowadays, the environment of an organisation will be constantly changing. Thus, systematic evaluation should be made on the overall decision making process.

### *Rational Model*

When discussing the decision, an important concept to consider is making a rational decision, which is the most preferred model used today. It involves determining the most logical and sensible option from the available options. All the data is collected and arranged, and then carefully scrutinised, with the useful information presented to the decision maker. This will allow the decision maker to have all the facts about the options involved. They will be able to assess the advantages and disadvantages of each option and then, select the most rational option. The most critical part of the model is the collection of information, implying the availability and accessibility of information to those who partake in the decision making process. Inadequate collection of information will lead to poor decisions that could cause loss of revenue for the company [8].

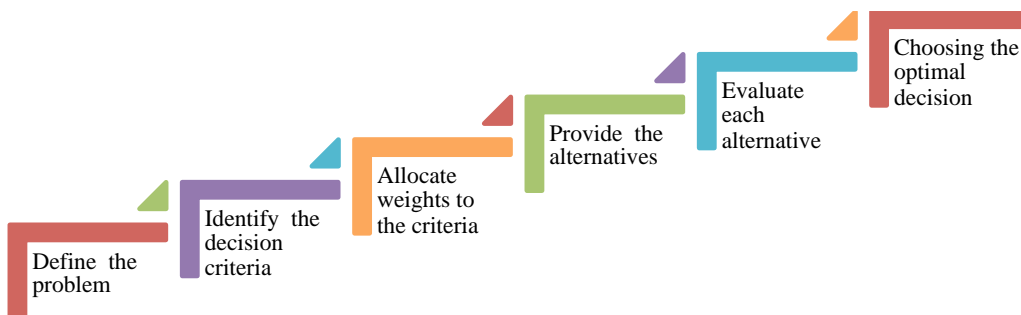
In short, rational decision making can be defined as a systematic process of defining problems, evaluating alternatives and selecting the best decision [2]. There are six steps or processes to go through in order to make rational decisions, which are (Figure 1):

#### **i. Define the problem**

The manager or decision maker must first identify the problem and its cause.

#### **ii. Identify the decision criteria**

Having identified the problem that has occurred, the next step in making a rational decision is to establish the criteria for the decision.



**Figure 1: Steps in the rational decision making model.  
(Adapted from Robbins and Judge [1])**

**iii. Allocate weights to the criteria**

A commonly used method for this is to make relative comparisons. In this method, each criterion will be compared directly with each other.

**iv. Provide the alternative**

This step is used to form alternatives as possible solutions. The larger the number of alternatives generated, the better the decision making process.

**v. Evaluate each alternative**

At this stage, each alternative will be compared with each decision criteria, to determine the extent to which alternatives can meet the criteria that have been set.

**vi. Choosing the optimal solution**

The last step of the model is to select the best alternative solution.

*Bounded Rationality Model*

Bounded rationality is practiced by decision makers who consider fewer options than are actually available, or when they choose an option that is best within the current circumstances, rather than the best overall decision. This is done in order to save time and resources by not considering every single available possibility, with the decision made being satisficing [9]. This model was pioneered by Simon Hebert, who won the Nobel Memorial Award in 1978 for his research on decision making processes within economic organisations [2]. This model is a refinement of the original rational model, taking into account the flaws in rational decision making. As it is based on the idea that there are obstacles that impede rational decision making, it is also known as the administrative man theory [10].

Bounded rationality challenges the assumption of “rationality” of the decision maker and emphasises his cognitive limitations, and argues that the outcome of such a process will be “satisficing” decisions, which indicates that such decisions are not guaranteed to be “optimal”. This theory is based on the fact that rationality is bounded due to failures of knowing all the alternatives and uncertainties of the given scenario, and inability to calculate the consequences [2, 11].

Bounded rationality is perhaps best understood through comparison with fully rational actors who require complete information to be available, which in most cases is somewhat unrealistic. Bounded rationality can be summarised briefly by its advantages and disadvantages:

**The advantages of bounded rationality include:**

- i. Use of bounded rationality can simplify the complexity of situations, by reducing the number of alternative actions that need to be processed and computed. This would reduce deliberation costs and other concurrent economic activities requiring decisions [12, 13].
- ii. There are many situations where only limited, often unreliable, information is available regarding possible alternatives and their consequences, and hence, bounded rationality is needed to make the decision [14, 15].
- iii. There are also situations where decisions need to be made within a limited amount of time, and hence, bounded rationality is needed for the decision to be made within the given time limit [15, 16].
- iv. For problems which the decision maker is familiar with, bounded rationality can be used based on his / her experience of the suitable alternatives [16, 17].
- v. Bounded rationality recognises the limitations of decision makers in regards to mental capacities for analysis and evaluation, and provides a realistic description of how people go about making decisions [15, 18].

**The disadvantages of bounded rationality include:**

- i. For problems which the decision maker is not familiar with, use of bounded rationality with little or no experience could result in important alternatives being ignored [16, 17].
- ii. Bounded rationality often involves assumptions in deciding which alternatives to consider, which could lead to errors in the decisions made [15, 19].
- iii. By considering a limited number of available alternatives, bounded rationality could leave little room for creativity of decision makers in drawing up possible additional alternatives, which could have better long term advantages than the considered alternatives [17, 20].
- iv. Use of bounded rationality in preparing contracts could lead to imperfect contracts with potentially important details being omitted and subsequent problems of imperfect commitment between contractual parties [13, 15, 21].
- v. The choosing of alternatives to be considered in bounded rationality may be subject to individual biasness, resulting in unfair decisions being made [17, 22].

### *Intuition Model*

This model is borrowed from military strategies that use intuition of commanders to anticipate events to exploit fleeting opportunities has remained obscure [23]. This model is widely used at present as decision makers often do not have sufficient time to conduct the proper research and hence, need to rely on instinct to make the decision. It should be noted that the effectiveness of intuitive decision making is largely dependent on the expertise and experience of the decision maker [24].

Intuition is a process of thinking as a type of cognition that is qualitatively different from conscious and analytical reasoning. Associative learning forms the input for the knowledge used in this process, which is then analysed without conscious awareness. This process provides an output in the form of a “gut feeling” that provides a basis for judgments and decisions [25, 26].

## **DISCUSSION**

### **Factors Affecting Decision Making In Organisations**

Decision making is influenced by several important factors. These factors include organisational commitment, leaders, past experiences and level of knowledge, a variety of biases, information acquisition, and environments. These factors impact the decision making process and the decisions made.

An organisational commitment is a behaviour of individuals as a human resource, such as top and middle management, and employees, which influence the decision making process. It was concluded that the level of commitment made, in the form of investment of time, money and effort affects the decisions made. At certain times, this could turn out to be risky decisions [27].

Decision making by individuals within an organisational and societal context has become an increasingly complex part of leadership. Decisions can often be compromised by the decision makers' personal factors such as personality, motivations and positions of the decision makers, which also lead to neglect of available resources for effective decision making. It is clear from this that the attitude and position of the individual or leader in the organisation are as important as the decision making process itself [6]. Past experiences and level of knowledge can also impact the decision making processes. Daniel [8] indicated that past experiences and knowledge of self and others increases the capacity for people to grow, become balanced and positively impact their surroundings to make a decision.

In addition, there are several biases that influence decision making. These biases include: belief bias, over-dependence on prior knowledge; hindsight bias, inability to forecast outcomes of decisions, until after the consequences of the decision is known ;

omission bias, the propensity to omit information perceived as risky; confirmation bias, in which people only identify what they expect in observations; conservatism in information processing bias, tendency to under-revise past estimates; overconfidence bias, overconfidence in subjective judgments as compared to objective accuracy; escalation of commitment, decisions influenced by investment of time, money and effort [1, 7, 28]. Biases influence decision makers by causing them to over-rely on expected observations and previous knowledge, while neglecting information or observations that are perceived as uncertain, without considering the overall situation. While these biases can have negative effects on decision making, with assistance of heuristics, they can enable more effective decision making [7].

Decision making can create pressure on the manager or decision maker. This is because a decision has significant risks and uncertainties, and managers often do not have sufficient information. This indicates that the source of information is an important basis for decision making. Information for decision makers need to be adequate in terms of both quantity and quality [28].

Among the factors can that affect decision making, the individual factors are the most important factors in making a decision. An organisation is not able to make decisions without human resources, which consists of individuals. If an individual wants to make a good decision, then he / she should have the experience, competence, knowledge and expertise in decision making skills, and be capable of evaluating the adequacy and accuracy of the information obtained.

## Decision Making Environments

The situation or environment has significant effect on decision making. A manager may make different decisions in different types of situations, certain situations may even allow for decisions to be made. The elements of a dynamic environment also play a role in increasing degrees of complexity behaviour of decision makers in an organisation [2]. Aspects such as hiring, budget allocation, investment, services, new product development and other risks are becoming among the tasks of managers. This is because the influence of the environment cannot be expected to affect these activities. The types decisions made is dependent on the decisions makers' knowledge or information on the situation, such as certainty, uncertainty and risk [2, 29] (Figure 2):



**Figure 2: Types of decision making environments.**  
(Adapted from Render et al. [29])



**i. Decision making under certainty**

Decision makers will obtain complete information to assist decision making. An individual is able to see exactly what events will occur in the future. By knowing the events that will happen, the revenue generated by each alternative result can also be determined or known with certainty. Thus, the alternative that gives the best result will be selected and implemented.

**ii. Decision making under uncertainty**

Decision makers do not have any information to assist decision making. Therefore, they cannot know for certain events that will happen in the future, and also cannot determine the result of each decision alternative. Therefore, decision makers are forced to use their own experience and judgment in making decisions.

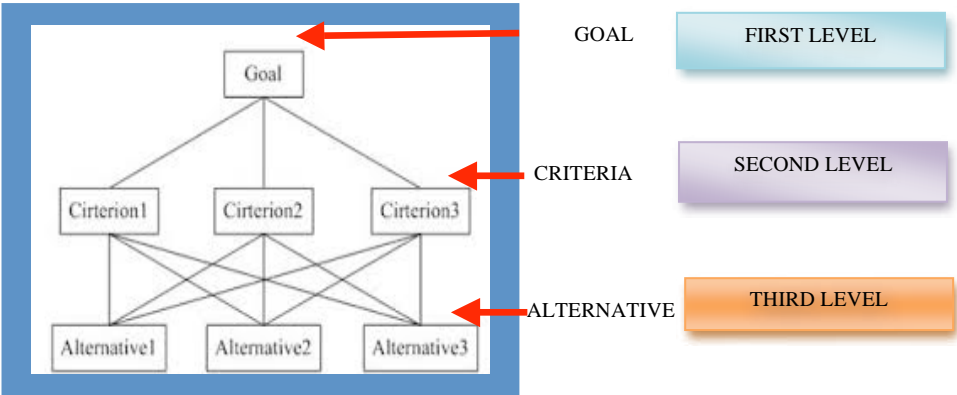
**iii. Decision making under Risk**

Most managers or decision makers actually operate in this manner. They have the information, but it is not complete. The information is just enough to predict events will occur, but whether these events will actually occur is uncertain. Typically what is done is to anticipate events that will occur based on the information obtained and give a percentage of probability of the occurrence of such events.

## **RECOMMENDATION: DECISION MAKING USING ANALYTICAL HIERARCHY PROCESS (AHP)**

In acquiring the right decision, the authors propose that every organisation should use multi criteria decision making (MCDM). This method considers various criteria in making a decision using analytical hierarchy process (AHP). AHP is an operations research technique applied in making decisions involving multi-criteria structuring in hierarchies based on a combination of quantitative and qualitative methods. It is an analysis that requires consideration in the selection of a decision. It was introduced by a popular figure in the field of diversity of criteria in decision making, Thomas L. Saaty [30, 31].

The AHP technique is a structural problem has been designed in the form of a hierarchy (Figure 3), in which the goal is placed on the top level, followed by the criteria, and the alternatives are at the bottom of the hierarchy. It is used to perform an analysis of the relative importance of selection through evaluation of criteria (factors / objectives), making comparisons between criteria, and determining the ranking of criteria [30].



**Figure 3: An AHP hierarchy.**  
(Source: Xi and Qiuli [32])

AHP is dependent on the evaluation and judgment of people (human judgment), and the weights in decision making. The importance of key criteria and sub-criteria are evaluated using assessment or paired comparisons using a reciprocal matrix based on the scale of interest. The categories used are important, moderately important, more important or extremely more important (Table 1) [29, 33, 34].

**Table 1: Scale of importance of criteria.**  
(Source: Saaty [30])

Scale	Details
1	Both factors are equally important
3	A slightly more important factor than other factors
4	A more important factor that is stronger than any other single factor
7	A more important factor is very strong as compared to other factors
9	A more important factor in extremely strong as compared to other factors
2, 4, 6, 8	Values between the two scales

AHP allows for decision makers, working individually or in groups, to make scientific judgments with more effective results. AHP has been heavily applied in making decisions to choose the best supplier or tenderer. Most of these techniques are used in industrial, factory, business, health and education sectors [35]. For example, defence industries in a number of countries, such as, Hong Kong [36], Singapore [37] and Indonesia [38], use AHP for decision making in procurements. However, the use AHP in other areas of decision making has been limited due to lack of awareness about the advantages of the technique.

The author was involved in the Science & Technology Research Institute for Defence’s (STRIDE) use of AHP for decision making. The staff involved underwent a

two-week training course for the Expert Choice AHP software. AHP has since been used in a number of STRIDE's activities, including selection of suitable projects for the 10<sup>th</sup> Malaysian Plan (RMK10) [39], prioritisation of allocation of funding [40] and determination of selected biological agents for the proposed Biological & Toxins Weapons Convention (BTWC) Bill [41]. In addition, STRIDE is in the process of applying AHP for other activities, including performance evaluation and selection of annual excellence awards (*Anugerah Perkhidmatan Cemerlang*, APC) and determination of suitable officers for promotions. The author's experience has demonstrated that AHP is a relatively easy technique to learn and is an effective tool for decision making.

## CONCLUSION

In general, decision making will be more effective if the manager or decision maker uses the decision making steps carefully and methodically. However, there are obstacles that make it difficult for decision makers to effectively use these steps. Errors in decision making often occur because decision makers do not take into account the various factors involved in decision making. To this end, AHP is an effective tool that decision makers can use to make the optimal or best decision.

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## **MARITIME COOPERATION WITH UNITED STATES AND CHINA: EXAMINATION ON THE CONTEMPORARY ISSUES AND CHALLENGES FOR MALAYSIA**

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### **ABSTRACT**

*The article examines the issues and challenges with regard to the evolution of maritime cooperation between the United States-Malaysia and China-Malaysia at the strategic and operational levels. The study merits attention in view of the dynamic changes taking shape in Asia encompassing political, economic, capabilities, technology and cultural transformation. Among the changes, the region is witnessing a major shift in the distribution of power that has created unease over whether it would affect geopolitical stability in the Asia Pacific, especially in terms of the emerging regional rivalry between China and the United States. Malaysia faces similar challenge in particular on matters relating to her maritime domains. This article summaries on the existing maritime cooperation involving the three nations and identifies the challenges in terms of strategic and defense relationships.*

*Keywords: Maritime, cooperation, strategic, relation, South China Sea*

### **INTRODUCTION**

The National Intelligence Council's Global Trends report concluded that by 2030 Asia will surpass the combined economic power of North America and Europe. The prediction was based on gross domestic product growth, population size, military spending and technological investment of the regions. The report noted that China will have the largest economy surpassing even that of the U.S. even before 2030. This will eventually lead to the declining of U.S. hegemonic power as well as its position as a world superpower. Similarly, Australia's 2012 White Paper notes that China and India have tripled their share of the global economy and increased their absolute economic sizes almost six fold in the past 20 years. By 2025, the Asian region will account for almost half the world's output [1]. China alone is expected to reach 19.8% of global GDP by 2030 [2] and the combined economic, social and political clout of the countries in Asia has prompted the western powers' pivot to Asia. The United States projects a larger role in this region over the coming decades, as a distant power, but as part of, and working closely with, the nations in the Asia Pacific. The objective is to address common challenges and to promote peace, prosperity, and security. In 2010, Secretary of State

Clinton had also outlined the U.S. refocus on the Asia-Pacific, emphasizing diplomacy, trade, and development as key areas in the engagement process. The U.S. military is currently focused on implementing the president's mandate and the outline provide by the U.S. leadership to make the Asia-Pacific a top priority.

In his keynote address at the Shangri-La Dialogues Malaysia's Prime Minister spoke of the extraordinary growth, development and democratic reforms in Asia Pacific that have brought huge changes in Asia, attributing the shift mainly from the financial crisis in the West which shifted attention to the East [3]. The "pivot" to the Pacific is not only by the U.S. but also Russia, Australia and the European Union. Emphasizing on the efforts to deepen Asia's commitment to co-operation, the Malaysian PM believes that cooperation will lead towards development and sustainability. China and the U.S. are Malaysia's trading partners while Malaysia also values her relations with other nations such as Russia, India and the EU states. Malaysia and other member states of ASEAN share the values and aspirations of the major powers in the 21 century. In essence, Malaysia's stand is not to take sides in her relations with the major powers in the context of the Asia Pacific or in Asia.

Malaysia foreign policy with regards to major power is based on mutual interest aimed towards the engagement towards the development of international importance encompassing economy, social, cultural and defense and security related matter. In April 2014, President Obama's State Visit to Malaysia issues proof that Malaysia has been an important partner to the U.S. as far Asia Pacific Region is concern. The visit of the President is historic as it was the first Presidential visit in 48 years, and the resilience of bilateral relations between Malaysia and the United States.

The President's visit to Malaysia in April 2014 highlighted the importance of management of the maritime space to the regional peace and stability. According to the Joint Statement during the visit:

The Prime Minister and the President acknowledged the importance of peace and stability for the security and economic prosperity of nations. The leaders exchanged views on recent developments in the South China Sea and affirmed the importance of safeguarding maritime security and ensuring freedom of navigation and over flight throughout the region, including critical waterways in the South China Sea. The two leaders underscored the importance of all parties concerned resolving their territorial and maritime disputes through peaceful means, including international arbitration, as warranted, and in accordance with universally recognized principles of international law, including the United Nations Convention on the Law of the Sea. The two leaders highlighted the importance of all parties concerned avoiding the use of force, intimidation, or coercion, and exercising self-restraint in the conduct of activities.

## **MALAYSIA- U.S. COMPREHENSIVE PARTNERSHIP**

Malaysia foreign policy with regards to major power is based on mutual interest aimed towards the engagement on issues of international importance encompassing economy, social, cultural and defense and security. In April 2014, President Obama's State Visit to Malaysia issues proof that Malaysia has been an important partner to the U.S. as far Asia Pacific Region is concern. The visit of the President is historic as it was the first Presidential visit in 48 years in which elevated Malaysia – U.S. relationship to a Comprehensive Partnership; which will serve the interest of the two countries' President Obama identifies Malaysia as one of the U.S.'s strategic partners in Southeast Asia [4]. The relationship between the two nations has been on strategic as well as operational levels. In economic terms, the U.S. has always been a major contributor to investments in Malaysia.

## **MALAYSIA-UNITED STATES STRATEGIC TALKS (MUSST)**

Malaysia and the U.S. engage in annual talks at the strategic level. In March 2012, The 4th Malaysia-U.S. Strategic Talks (MUSST) was held in Washington DC followed by that in June 2013 in Kuala Lumpur. MUSST is an annual platform for fostering closer interaction and deeper understanding among the defence policy makers of both countries on strategic issues and matters of mutual interest. Some strategic issues discussed include the Arab Spring, Afghanistan, regional security outlook, China and updates on the South China Sea.

## **COOPERATION ON DEFENSE AND STRATEGIC**

The maritime aspects of military engagement between the U.S. and Malaysia are at three levels; first is the Navy-Navy, Joint Task Force, and the newly proposed Marine Corps level (in proposal). Malaysian forces regularly conduct joint trainings with their U.S. counterparts who have routine access to Malaysian airfields and ports. On an average, annually, there are between 70-100 engagements inclusive of strategic and operational matters. In 2013, the U.S. conducted more than 75 activities, exchanges and visits with the Malaysian military [5]. The main area of activities involving the two nations are:

- There are annual military ship visits that make port calls at Malaysia.
- The United States conducts training exercises with the Royal Malaysian Air Force, flying with and against them in mock battles.
- U.S. Navy SEALs conduct training in Malaysia twice a year.
- 1,500 Malaysian defense personnel have benefited from the U.S.-sponsored IMET (international military education and training) program.
- Malaysia mid level professional are involved in IVLP programme, a U.S. funded programme that provide opportunity to get on the ground exposure on security issue.



Cooperation Afloat Readiness and Training (CARAT) is an annual naval exercise between the U.S. and the armed forces of Bangladesh, Brunei, Cambodia, Indonesia, Malaysia, the Philippines, Singapore, Thailand and Timor-Leste. The development of maritime security capabilities and increasing interoperability among the participants is the common theme for CARAT. The training in each phase of CARAT varies based on shared goals of host nations. Skill areas exercised during CARAT include Maritime Interception Operations, riverine, amphibious and undersea warfare operations, diving and salvage operations, naval gunnery and maneuvering events, and disaster response exercises.

CARAT Malaysia highlighted combined command post exercise, installation of a solar powered electrical back-up system at a local hospital, community service projects, underwater explosive ordnance training, search and rescue training and a simulated attack with U.S. Marines and Royal Malaysian Army soldiers. The shore-based and at-sea training events designed to address shared maritime security concerns, develop relationships, which enhance interoperability among U.S. and Malaysia forces.

On multilateral military engagement, Malaysia began participating in the Rim of Pacific Exercise (RIMPAC), an international military exercise in the Pacific that began in 1971, since 2010 [6]. The event, which has grown into cooperation between maritime forces at sea on wider areas than war exercises are conducted bi-annually in the waters around the Pacific, and is the world's largest international maritime exercise. RIMPAC 2014 held in June 2014 themed "Capable, Adaptive, Partners", conducts wide range of capabilities in order to demonstrate flexibility of maritime forces. This exercise includes disaster relief and maritime security operations to sea control and complex war fighting. Brunei and China are the newest forces to participate in RIMPAC in 2014 [6].

## **COOPERATION ON NONTRADITIONAL MARITIME THREAT**

Post 9/11, maritime cooperation issues including, piracy, crime at sea and the possibility of terrorism emanating from the sea became a top priority in Malaysia-U.S. maritime cooperation [6]. Malaysia was also considered an important partner in the war on terrorism because of its strategic location along the Straits of Malacca. The U.S. is one of the major sea powers that heavily promotes and protects freedom of navigation and keeping the sea lanes and choke points open for navigation has been a key priority. With 9/11, the U.S. was concerned that terrorists seeking to disrupt global trade might attack shipping in the Straits, and began to view Malaysia in a new light. James Kelly, Assistant Secretary of State for East Asia and the Pacific, called Malaysia a 'beacon of stability' in Southeast Asia. Malaysia became a very important partner in fighting terrorism, for example U.S.-Malaysia cooperated after the Bali bombings in October 2002 in which led to the capture of Hambali in Thailand in August 2003. Malaysia also hosted the Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT), established in Kuala Lumpur on July 1, 2003.

Besides, many forms of security cooperation were stepped up including military assistance such as Foreign Military Sales (FMS) credits for defence purchases and International Military Education Training (IMET) for building up armed forces personnel. Defence purchases include the American Landing Ship Tank (LST) and F-18 fighters. For military training, Malaysian army cadets are sent to the U.S. Military Academy at West Point, New York, while air force and the navy cadets are sent to the U.S. Naval Academy at Annapolis, Maryland.

Maritime security initiatives include the U.S. Customs Service's Container Security Initiative (CSI) to monitor cargo in containers in order to prevent terrorists from smuggling weapons into America. When the CSI was implemented world-wide in November 2003, Port Klang became Malaysia's first CSI port with U.S. Customs officials working alongside their Malaysian counterparts. In August 2004, the Port of Tanjung Pelepas in Johor became Malaysia's second CSI port. In addition, the Proliferation Security Initiative (PSI) is another U.S. maritime security effort aimed at stopping nations from spreading weapons of mass destruction by improving cooperation in the interdiction of weapons of mass destruction or missile related shipments. PSI was introduced in 2003 and implemented in Malaysia in 2004 [7]. However, it was implemented on a voluntary basis upon request by the U.S. government until in April 2014, where Malaysia officially endorsed its participation under PSI.

Accordingly, Malaysia and the U.S. are also collaborating with respect to law enforcement issue on the maritime front; this is done through the exchange of U.S. Coast Guard to Malaysia to train local officers in marine enforcement. Since then, the partnership between the Malaysian Maritime Enforcement Agency and the U.S. Coast Guard has grown [8].

In 2009, the U.S. provided nine radar units to the Malaysian Army to monitor maritime areas in Sabah. The project called "Initiative 1206" was to assist the MAF at monitoring threats to the country's coastlines. The Army Joint Force 2 which was responsible to ensure security around the waters off the Sabah east coast received combat boats and support equipments to upgrade firepower and enhance its defence system as part of the programme to install the radar surveillance system. They were installed in stages at specific locations, including islands and are specially designed to conduct surveillance off the Sabah east coast from Kudat to Tawau.

In early 2010, the surveillance system was handed over to Malaysia. This radar, operated by the joint forces based at Kukan Camp, could conduct surveillance up to as far as 70 kilometres. If the radars were fully operational, it could help security forces to detect and intercept boats operating illegally around Tawau. However, due to technical and maintenance complexity the radars were not operational and the lack of surveillance was demonstrated with the intrusion by Sulu rebels in 2013 [8]. In view of the intrusion into Lahad Datu, there is a need to have a better surveillance system. The U.S. could provide a fresh perspective to the existing initiative.

The themes that drive Malaysia-U.S. maritime cooperation are preventive diplomacy, counter-terrorism and transnational crimes, disaster relief and non proliferations. The U.S. is also engaging Malaysia in strengthening existing military and defense cooperation. As provided in the policy outlined for the U.S. pivot to Asia, it is clear that the U.S. wants to expand military engagement the SEA including with Malaysia. In addition to the overall cooperation across the board, on all levels; however the focus under the U.S. rebalancing strategy is on increasing strategic relations and practical cooperation of mutual benefits. An important area in the relation is on multilateral dialogues including the Asean Regional Forum and ASEAN Maritime Forum and Expanded ASEAN Maritime Forum. In May 2013, the U.S. and Malaysia co-chaired the ARF Experts and Eminent Persons Group (EEP) in Honolulu, Hawaii, with the aim to provide recommendations on topics such as preventive diplomacy, regional architecture, and the future direction of ARF.

In view of the diverse threats confronting the maritime domain, Malaysia's strategic priority lies highly with the U.S. which has the most powerful and experienced navy and law enforcement agency. Future plans include Malaysia –U.S. cooperation in establishing the new marine corps and a new naval base in Bintulu, Sarawak [9]. This latest effort is evident of a closer cooperation as under the ambit of Comprehensive Partnership between the two countries.

## **BACKGROUND TO MALAYSIA-CHINA RELATIONS**

China's role and profile in international politics have been dramatically increasing in tandem with the growth of its economy. This is attributed to its large territory, vast resources, and enormous population. It is estimated that if China's GDP continues to grow at an average rate of 6.5 percent, it could overtake the U.S. by 2020. As indicated by China's leadership, the Asia Pacific has the highest concentration of Chinese interest and has been a top priority for China's diplomacy. As the region is witnessing profound changes, China views the security situation in the region as fragile.

Malaysian bilateral cooperation with China began in 1974 and since the establishment of diplomatic relations between the two countries, the overall relations have been positive. Economic, social and cultural relations suggests that China and Malaysia are good neighbors, with a friendship dating back to ancient times and deeply rooted in the hearts of the two peoples. Chinese leaders deem China-Malaysia relationship as currently at its best period in history. China and Malaysia have established strategic cooperative relations, and economic and trade ties are increasingly close. China was Malaysia's largest trading partner in 2012 with two-way trade totaling RM181 billion (\$57 billion). Trade between the two countries, which rose at an average annual rate of 15.7% between 2002 and 2012, is expected to hit \$70 billion by 2013 [10]. This impressive level of bilateral trade between China and Malaysia is referred as "reaching a new historical high level" [11].

In 2013, the two countries made more substantial achievements in bilateral relations including frequent high-level exchanges between leaders. This included the signing of agreements on the Panda Conservation Cooperation and the Kuantan Industrial Park and the launching of the China-Malaysia Qinzhou Industrial Park. In addition, Youth Exchange Visits for 100 delegates from each country have been conducted.

In recent years, Chinese leaders including President Hu Jintao and Premier Wen Jiabao visited Malaysia while Malaysian leaders including the Prime Minister and Deputy Prime Minister also paid visits to China. The friendship and cooperation established between the leaders indicate that the close high-level exchanges between two countries will continue in the future.

## CHINA MALAYSIA STRATEGIC RELATIONS

China-Malaysia strategic relations have generally grown from a low level to more noticeable cooperation. The 1st *Security Defence and Strategic Consultation (SDSC)* was held on 10 September 2012 in Kuala Lumpur in which both China and Malaysia agreed to a further strengthen military cooperation between them in their effort to maintain peace and stability in the region. This was illustrated through the exchange of high level visits by the deputy chief of the general staff of the Chinese People's Liberation Army (PLA) and Malaysia's Defense Minister. *The meeting reinstated the commitment of both countries for active and long term engagement. Prior to SDSC, a Defence Working Group Meeting was held on 8 March 2012 for the establishment of the working groups under SDSC [12].* The exchange and consultation are expected to strengthen mutual trust while broadening cooperation to safeguard common interests and address the challenge faced by both countries. On 4 April 2013, China and Malaysia exchanged views on various issues on their relations and agreed to work to move forward strategic cooperation including military exchanges to a new level.

For China, developing cooperation with the Association of Southeast Asian Nations (ASEAN) has become a regional diplomatic priority. On 30 June 2013, Chinese Foreign Minister Wang Yi, speaking at a meeting of the foreign ministers of ASEAN and China in Brunei, said the cooperation between the two sides had become the great driving force of East Asia's development and the indispensable pillar for regional stability and prosperity [13]. Foreign ministers from ten ASEAN countries and China agreed to enhance political mutual trust, strengthen cooperation, further enrich the strategic partnership and move China-ASEAN relationship to a higher level. The ministers stressed the importance of full and effective implementation of the Declaration on the Conduct of Parties in the South China Sea (DOC) and the need to steadily move towards the conclusion of a Code of Conduct in the South China Sea (COC) on the basis of consensus [14]. ASEAN and China meeting is the main platform that holds talks on the implementation of DOC as well on mainly on the effective implementation of DOC as well as to have the official consultations on the COC that is also within the framework of the implementation of

Following the state visit of China's President Xi Jinping to Malaysia from Oct 3 to 5 2013, Malaysia and China further operationalised their defence cooperation. They agreed to engage in joint military exercises involving land, sea and air forces beginning 2014 thereby further strengthening the memorandum of understanding on defence cooperation between both. According to Bernama, "Both sides agreed to foster greater cooperation in defence, particularly in holding joint exercises, exchange of military personnel, establishing cooperation in the defence industry and fighting terrorism and transnational crime." [15] China and Malaysia's first-ever joint military exercise is indeed an important strategic move despite their overlapping claims to the South China Sea. The navies of both states have also agreed to jointly launch the establishment of direct contacts between Malaysia's Naval Region Command 2 and China's Southern Fleet Command off Hainan Island. At the time of this work details on the planned drills such as their location, scale, or which military branches would be involved have not been decided, however the main area that is of mutual interest to both China and Malaysia are on humanitarian and disaster relief operations.

Academic and think tank collaboration is also developing between China and Malaysia, for example between MIMA and the China Institute for International Strategic Studies (CIISS), a national non-governmental academic organisation. One of the activities of the institute is to carry out academic contacts and exchanges with relevant institutions abroad. The visit from CIISS is significant as it opens the door for both the institutes to understand each others views on issues affecting the Asia Pacific Region in a broader aspect. It also allows delegates the learning opportunity on maritime issues including traditional and no traditional security matters that are of concern to Malaysia and China including overlapping claims in the South China Sea to be discussed in a comprehensive manner.

## **CRITICAL ISSUES AND CHALLENGES TO CORDIAL COOPERATION**

The relationship between the U.S. and China which are considered the two important countries that could influence upon the geo-politics in the Asia Pacific region is significant not only for the two nations but also internationally including for Malaysia. There is a general understanding that the Sino-U.S. relations have become the world's most dynamic, influential bilateral relationship with the most important influence. Meanwhile, maintaining and developing a good, healthy and sustainable Sino-U.S. relationship has become of great strategic issue with practical and far-reaching historical significance, which is testing the political wisdom and strategic judgment of the two countries' leaders, as well as the whole world. In 1987, in his "The Rise and Fall of the Great Powers", Yale University historian Paul Kennedy had forecast that the balance of military power would shift in 20 to 30 years, creating a truly multipolar world

As noted by Majid, the geo politics of Southeast Asia is dominated by the emerging regional rivalry between China and the United States [16]. He alluded that the contest is

highlighted by incidents in the South China Sea in which Malaysia has a stake. China relations generally have been characterised as a mix of cooperation and competition. The U.S. sees China as mounting a challenge to its primacy in Asia. China on the other hand views the U.S. as strengthening its alliances and partnership in Asia in an attempt to encircle China. Although there has been much improvement of relations between the two in recent years, China's foreign policy is being increasingly assertive on the international stage and she has been using her growing economic and military strength to support regional and international issues such as in the South China Sea. Despite, both countries looking for ways to increase military cooperation, tensions over U.S. arms sales to Taiwan and China's modernization of its armed forces remained contentious issues in their relationship.

The U.S. rebalancing to Asia is reflected in its 'pivot' to Asia which has an emphasis on military deployment and to meet the growing military capability of China. This requires countries in the Southeast Asian region to adjust their strategic alignments. On the other hand, the U.S. Navy said that the centrality of the Asia-Pacific region to American interests requires it to "establish greater intellectual focus on Asia-Pacific security challenges" and to help create the intellectual software that will enable Washington to employ its military hardware to maximum effect in the region. Having navy institutions play a leading role in formulating Asia-Pacific strategy makes sense given the region's maritime geography and manifold commercial and military maritime security challenges.

One aspect of military confrontations between the U.S. and China is predicted as potential threat to the security due to the development of Anti Access Area Denial strategy (A2/AD); also referred by China as counter intervention strategy. China's development of A2/AD includes her missile capabilities in which the range well covers SOM. Furthermore, according the threat assessment by the U.S. Department of Defense, China's SOM strategy began in mid 1990 with the construction on Hainan also known as naval base in Yulin [17]. Moreover, contemporary scholars such as Thayer found that China's naval capability in the SCS stretches through the SOM and these capabilities are worrying development. Thayer provided that "among the high naval capabilities of China includes 65 low frequency, intelligence gathering, and network capability in SCS and... "Hainan is also the base for SU 27/30, submarines, surface combatant and ballistic missile" [18].

The U.S. counter response to A2/AD is the Air Sea Battle concept which is essentially a limited operational concept. The objective of ASB is to maintain freedom of action for U.S. military, show of force, and to deal with limited war. Capability is limited such as a conflict over Taiwan or attack on U.S. bases in Pacific. Basically ASB is to defeat an A2/AD environment and can be construed as blinding campaign against PLA. A report produced by Carnegie Endowment for Peace provided that Australia and Japan

will be partners in ASB. This is because Australia and the U.S. are friend partners and SEA is prominent in strategic calculus for both and can't allow cut off access [19].

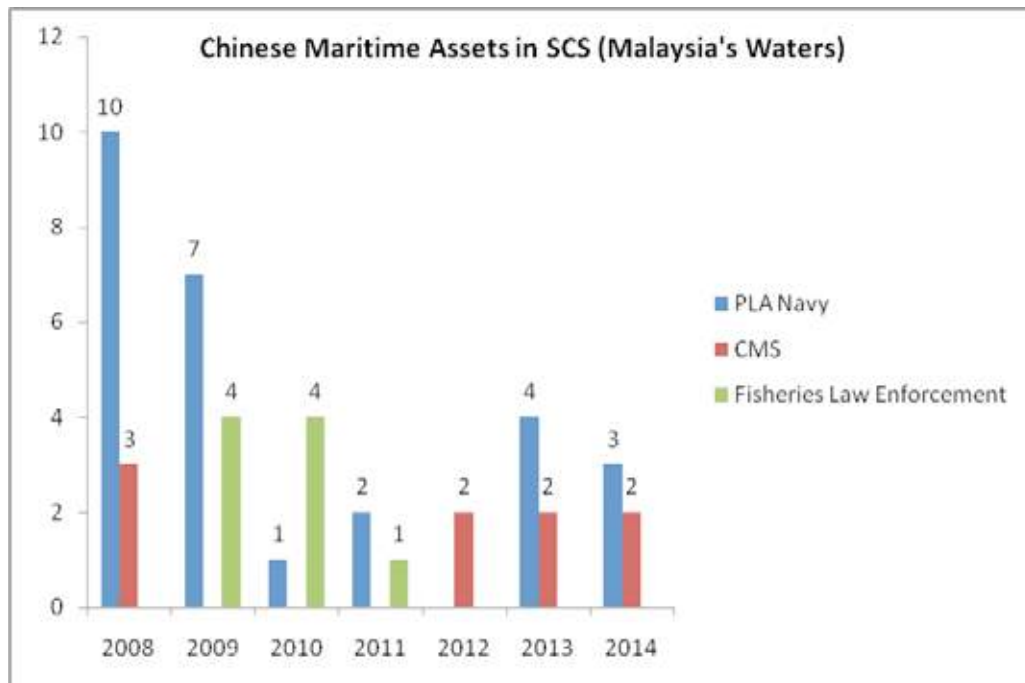
Despite the military development involving China and the U.S, there are scholars have different perception on the strategic rivalry within the Asia Pacific region. Alagappa argues that Asia's strategic environment has become more complex as well much closer to the "complex interdependence" model than the simple zero- sum geopolitical model suited to the Cold War era. He argues that during the Cold war there were little economic and social cultural interactions across the ideological and military divide [20]. Political, economic, and security cooperation, competition, and rivalry characterize the contemporary Asian strategic landscape. Alagappa cautioned analysts who present a stark choice, for example between the United States and China that they do not seem to appreciate the complex strategic environment - "their analysis and recommendations seem more suited to a Cold War type geopolitical environment" thus is not practical in the current global environment that is interdependent in many areas. The real challenge in the current geo-political environment is to manage and reap the benefits of complexity, not to present simple choices that may be attractive but not grounded in reality [20].

## **MARITIME TERRITORIAL DISPUTES IN THE SOUTH CHINA SEA**

South China Sea disputes have witnessed a constant escalation in maritime confrontations, resource conflicts and competing territorial claims. At the same time, claimants are increasing their military capabilities to protect their sovereignty in their respective areas. The South China Sea encompasses Malaysia's offshore economic areas which includes the Exclusive Economic Zone (EEZ) and continental shelf.

The emerging regional rivalry between China and the United States has been a dominant challenge in Southeast Asian geopolitics and has been highlighted by incidents in the South China Sea [21]. Malaysia faces similar challenge in particular on matters relating to the maritime domain, and although Malaysia's seeks balanced relations with both countries, the issue is in specific areas such as identifying priority spheres for cooperation. As suggested by Harun, "matters of defense and security, the South China sea can be said to be of high importance to Malaysia as it is a bridge—waters that may connect, or divide the nation" [22].

Among the alarming threat is China's military capability such as upgrading the PLA-Navy's South Sea Fleet, the development of the Ya Long Naval Base on Hainan Island, and the expansion of China's paramilitary fleets such as her coast guards and fisheries inspection patrols. For example, China's PLA, and law enforcement vessels had continuously been sighted in Malaysia's EEZ in the SCS and between 2008-2012, 35 such assets were seen there and in the Spratly Islands (see figure 1). The highest number was recorded in 2008 with 10 PLAN assets encroaching in Malaysian waters [23].



**Figure 1 PLAN assets sighted in Malaysia EEZ**

*Source: Adopted from Malaysia Maritime related agencies*

It could be argued that Malaysia-China cooperation in the South China has not been a win-win case. China is pursuing coercive diplomacy which is diplomacy backed with hard power/military strength. Although China and Malaysia promotes strategic cooperation based on mutual benefit, there are issues on the ground that could negatively impact upon the desired cooperation. China paramilitary and PLAN continue to send fleets to patrol waters in Malaysia's EEZ and PLAN "visits" to Beting Serupai or James Shoal in August 2013 mark a high-profile show of China's determination to stake its claim to territory in the SCS. This in effect would appear as a constant irritant with regards to a cordial cooperation between the countries.

Nevertheless Malaysia has been practicing back door diplomacy and is less confrontational as compared to other claimants. Backdoor diplomacy is basically the practice of nations to conduct politics out of the view of the public. Basically when there may be a conflict and neither nation is willing to admit fault, it may use backdoor diplomacy to avoid admitting anything to the public. On the other hand, China has also on many instances assured that its action and activities in the South China are not directed to Malaysia.

Underlying the intensity and complexity of the South China Sea dispute, back door diplomacy might not be successful in the long term as China could become more defensive with regard to her claims in the area. This will result in a more re-active force projection both from the military and para- military forces. The Philippine military has



revived plans to build new air and naval bases at Subic Bay, a former U.S. naval base, which American forces could use to counter China's creeping presence in the disputed South China Sea.

The Chinese military on the other hand has employed the “cabbage” strategy to secure the Scarborough Shoal from the Philippines by having constant surveillance and assigning administrative fishing vessels, besides warships, in the territory [24]. China claimed that over the years she has made major progress in recovering the areas including the Nansha Islands (the Spratly Islands), the Huangyan Island, Meiji Reef (Mischief Reef) and Ren'ai Shoal (Second Thomas Shoal). These are examples of aggressive strategies that claimants have used to assert their claims in the SCS. Taking example from other claimants there are concern as to whether Malaysia would move beyond “back door” diplomacy to “official diplomacy” to engage China in dealing with issues with regards to South China Sea.

## **SIMILARITY AND DIFFERENCES IN STRATEGIC RELATIONSHIP**

There are similarities and differences in Malaysia and China cooperation with regard to issues in the South China Sea. Both nations advocate ASEAN China Cooperation, DOC and COC as the way forward for managing disputes in the South China Sea. Like Malaysia, China views that the ocean has become of strategic importance including having vast resources for economic development. As such, claimant countries need to watch for nationalistic sentiments boiling over as they can fuel instability, reduce room for negotiations between countries, and in a worst case scenario, lead to an accidental war. Nevertheless, China Malaysia cooperation is faced with challenges and these challenges are related to fundamental issues with regards to foreign relation and it could impact on the mutual trust among the two countries.

Even though, ideology no longer plays an important role in states interactions dealing with national affairs, it may impact on the relation while dealing with issue concerning national interest. Theoretically, Chinese ancient philosophy mainly originated from traditional Chinese culture i.e., Confucianism, Taoism, and Buddhism. Generally, the relationship between China and outside world is mainly built on Sino-centric Confucianism [25]. As provided by Song, although Imperial China was to become the history of modern China, the memory of Confucianism is affecting Beijing's worldview and its own theory of international relation. Since China is moving is a fast forward mode, the Chinese are seeking to combine Western culture and ancient Chinese culture into its very own tradition.

At strategic level, Confucianism created “strategic culture” that carries secularism, inclusiveness and conservatism. Additionally, Chinese classic military such as Sun Tzu's Art of War was embedded in Confucian. Ideological have put a limit on the scope of their mutual acceptance. One of the most basic aspects of China's ideological worldview has been the assumption that conflict, though not necessarily military conflict is omnipresent

in the world. According to Marxist-Leninist analysis, all historical development is the result of a process of struggle, between classes within a nation, between nations themselves, or between broader forces such as socialism and imperialism. This explains why it is so difficult for China and outside countries with different ideological background such as Malaysia to build comprehensive and genuine trust between them. Building strategic mutual trust between China and Malaysia remain difficult, yet both Chinese and Malaysia leaders and policymakers have built a fair amount of trust on some specific issues and within a specified period.

## **CONCLUSION**

The level of trust between Malaysia and the U.S. and China determines their attitudes, policy decisions and behavioral patterns in handling bilateral relations or international affairs. Challenges facing maritime cooperation among various nations depend on the factors that influence their relations. In the case of the U.S., Malaysia and China there have been strategic changes in the past decade that have made the future security environment increasingly complicated and uncertain and this will influence their cooperation on maritime matters.

Although scholars are optimistic that Asia is unlikely to experience large scale war security challenges will continue to dominate. This includes military modernization that will continue apace, force will continue to be relevant in international politics, and there will be military clashes. A Chinese “anti-access” strategy and associated military capabilities will directly threaten U.S. forces in the Western Pacific. China’s naval modernization will continue regardless of what happens in the Taiwan Strait for China to buttress her defense strategy. China is a maritime nation and has legitimate reasons to strengthen its force projection capabilities, and this effectively changes the balance of power in the South China Sea. Malaysia is not in a position to challenge, nor does it have any inclination of doing so. It should be concerned however, with the ramifications of the rise of strategic power shift to regional stability. A comprehensive policy to address the changing Asia Pacific security issues and the level of maritime activities involving the U.S. and China with Malaysia are intensifying. As such, clear policies with well-defined military/non military activities in identified maritime area are needed.

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## **VIETNAM AND CHINA: THE STRESS AND STRAINS OF AN UNPREDICTABLE RELATIONSHIP**

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### **ABSTRACT**

*Frictions in Vietnam-China relations are nothing new. The recent skirmishes in the South China Sea between the two neighbours point to a number of vulnerabilities that render their relations unpredictable. In good times, their relations have been described as close as that of “lips and teeth”. In difficult times, they would remain cautious against each other and aware that they had fought wars in the past. Relations between Vietnam and China are conditioned by many factors—historical baggage, cultural affinities and geographical proximity. Out of these, it seems that the geographical proximity creates a lot of nuisance in their relationship as it involves national security, sovereignty and not least national pride. In the past and on many occasions, the two countries found ways and means to settle their disagreements and conflicts. But the recent spat between China and Vietnam regarding the Paracel Islands, an area disputed by the two countries raised the specter of an ugly past rearing its head again. How this incident will end is still not clear even though the wrath on both sides seemed to have subsided. And what would be the fate of a comparatively small and weak Vietnam vis-à-vis a bigger and more powerful and China? It also brought into question how would ASEAN respond in the event of a more serious and prolonged conflict between Vietnam, an ASEAN member state, and China, now ASEAN’s good friend. In such a situation, ASEAN is definitely placed between the hard rock and a difficult place.*

*Keywords: Vietnam-China relations, historical rivalry, geopolitical interests, South China Sea, ASEAN.*

### **INTRODUCTION : A HISTORY OF DIFFICULT RELATIONS**

The rivalry between China and Vietnam goes far back into history. Their relationship is an intricate and complex one, shaped and woven by many factors including history, geography, politics and ideology. In the course of their long interactions, they have experienced many ups and downs, shaped and influenced by both the domestic and external factors. The economic reforms in both countries, introduced in the mid- 1980s, the end of the Cold War and Vietnam’s entry into ASEAN in 1995 helped turn their relations into a more amicable one, although gone are the days when it was described as close as “ lips and teeth”. Recent events in the Paracels showed the fragility of this ‘brotherly’ relationship, and exposed some of the vulnerabilities that may stand in the

way of forging a strong solidarity between the two neighbours, who seem to share many commonalities. In this respect, one is apt to think of geography as perhaps the most important and sensitive element in their relationship. Vietnam's geographical proximity to its more powerful and bigger northern neighbour makes it difficult for the country to escape from 'living dangerously' alongside China. In the past, as well in the present, one of Vietnam's greatest concerns had been to seek ways and means to ensure a peaceful co-existence with China. As for China, despite its obvious strength over Vietnam, it is not in the interest of China to live permanently in conflict with Vietnam, its closest neighbour, now a member of ASEAN. Political wisdom may restrain Vietnam and China from going to war with one another, but there is no guarantee that the "tyrannies of geography" will not interfere in this complex, love-hate relationship between the two neighbours.

### **'A BLACK STAIN IN BILATERAL RELATIONS'**

In the course of their relationship, Vietnam and China were not spared from 'bouts' of bad relations. One of these was the 1979 war between the two, considered by many to be the most severe in recent times. According to a former Vietnamese diplomat, *"the February 1979 War remains a black stain in the history of China-Vietnam relations, a painful occurrence for any Vietnamese or Chinese who cherish traditional friendship and always wish to strengthen it more and more."*[1] In that year, China decided to teach Vietnam a 'lesson' when it attacked areas along Vietnam's northern border with China, causing a lot of destruction, visible especially in the important town of Lang Son. Jolted by the unexpected severity of destruction and the political damage to their relations, Vietnam and China worked to restore their relationship through negotiation which took place two months after the war broke out. The talks focused on several important issues including *"measures to ensure peace and stability in the border region through the cessation of provocative and hostile actions that might lead to war; to settle border and territorial questions on the basis of respect for the border line left by history and as agreed upon by the Central Committees of the two Communist Parties."*[1] While both countries stated their *"opposition to hegemonism"*, China also demanded that Vietnam relinquish its sovereignty over the Hoang Sa and Truong Sa archipelagoes and change its foreign policy.[1]

But these negotiations did not produce positive results in the way of resolving issues that strained their relationship and which contributed to the 1979 war. Vietnam also believed that at that time normalization of relations between China and Vietnam was problematic due to Cambodian problem. As a matter of fact, their relations worsened in the 1980s because of their differences on the Cambodian issue. According to Vietnam, China rejected ASEAN and Indochina countries efforts to advance a draft resolution on Cambodia in 1981 at the UN. This draft resolution would take into account *"the concerns of Vietnam regarding the Khmer Rouge (disarming all Khmer factions, including the Khmer Rouge, recognizing the sovereignty and territorial integrity of Vietnam, removing the external threat of armed aggression against Vietnam, and establishing an international*

commission to examine the programs of aid for the reconstruction of Cambodia and Vietnam.”[1] Vietnam also believed that the proposals failed not only because of Chinese objection, but also because of the Reagan administration attitude which did not want to discontent China.[1] Despite the setback on this matter, the three countries of Indochina continued to work to improve their relations with China and towards resolving the Cambodian issue. In July 1982, Vietnam said it would withdraw a part of its forces from Cambodia and offered to continue to do so annually.[1] But China did not respond favourably to these efforts, instead maintained its demand that China would be prepared to talk about normalization with Vietnam only after Vietnam withdrew its forces from Cambodia. China also said that the Soviet Union should ensure the complete withdrawal of Vietnamese forces from Cambodia. To the Vietnamese, China’s insistence on Vietnamese withdrawal first and bringing in the Soviet Union to put pressure on Vietnam to withdraw from Cambodia showed that China was not interested in normalizing relations with Vietnam at that time.

It was not until July 1986 that the Communist Party of Vietnam decided to “shift to a new phase of struggle in peaceful coexistence.” This new phase of struggle for peaceful coexistence was aimed not only at China, but also to include ASEAN and the United States which Vietnam believed could help create an atmosphere of peace in Southeast Asia. Prior to that, in June 1986, the Foreign Ministers of Laos, Cambodia and Vietnam expressed their desire to normalize relations with China. Vietnam was in fact “prepared to negotiate with China at any place and at any level.”[1] Several situations and reasons prompted Vietnam to search rather intensely for better relations with China.

By the mid-80s, Vietnam found itself in a difficult situation internally and externally. Bad economic situation in Vietnam had created a lot of dissatisfaction among the people, which worried the Communist Party as this could undermine their control and credibility in the country. The bad relationship between Vietnam and China also affected the Chinese community in the country, leading to an exodus of Chinese out of Vietnam. Vietnam was also ‘shunned’ by the international community because of its intervention in Cambodia. To add to these concerns, Vietnam also knew that they could not count on the loyalty of Moscow to support them in their differences with China. In Hanoi’s view, Gorbachev’s two important objectives in Asia were normalization of relations with China and reduction of tension with the US.[1] China was insistent that Moscow should put pressure on Hanoi to resolve the Cambodian problem. It was also at this time that China and the US held talks (in July 1986) in Beijing where the US Secretary of States Schultz stated “that the US and China had many points in common regarding the solution to the Cambodian problem, including the complete withdrawal of Vietnamese forces and Sihanouk’s leadership in the future government.”[1] Thus, with pressures from all sides, Vietnam had no other option but to rebuild its relations with China, its most powerful and important neighbour whose goodwill Vietnam could not afford to alienate further. Besides, the situation in Cambodia had evolved to favour negotiations, especially with ASEAN and the US actively supporting efforts to bring peace to Cambodia and to negotiate with Vietnam on the issue.[1] According to Vietnam, it was

about at this time that the “Chinese posture changed. In such circumstances, for the first time, China readjusted its policies towards Vietnam.”[1] To facilitate this positive trend, Vietnam announced on May 26 1988 its readiness to a large scale troop withdrawal from Cambodia.

## RECONCILIATION AND NORMALIZATION

Vietnam’s decision to withdraw its troops from Cambodia in 1989 thus removed the main obstacle towards resolving the Cambodian problem. It also paved the way for the return of Vietnam to the international community, apart from improving its relations with China. The economic reforms in China and Vietnam in the mid-1980s facilitated the reconciliation and consolidation of relations between the two countries. Vietnam’s economic reform policy of *‘doi moi’* introduced in December 1986 facilitated the opening up of the country economically and politically to the outside world. Both Vietnam and China focused their efforts on economic reforms and strengthening their integration into the world community in the post-Cold War era. As for Vietnam’s relations with China, the post 1980 period and following Vietnam’s troop withdrawal from Cambodia saw rapid improvement in their relations. In August 1990, Chinese Prime Minister Li Peng stated in Singapore that *“China hopes that finally the relations with Vietnam would be normalized and discussions would begin, on the question of Spratlys, for instance.”*[1] Talks between the two countries soon followed, which were held in September 1990 in Chengdu, China. They were attended by top leaders of the two Communist Parties. After more than a decade of difficult relations, China and Vietnam agreed that the time has come to patch up their relations. A number of agreements and a joint- communiqué were signed in 1991 where both sides expressed satisfaction at the results of this reconciliation process. They also agreed to promote cooperation between the two countries in economic, commercial, technical, cultural fields and in many more. China welcomed Vietnam’s affirmation that Taiwan is an “inalienable part of China”, but at the same time “expresses understanding that Vietnam and Taiwan only maintain economic and commercial relations of non-governmental character.” However, rosy as it may have looked, there remained a number of complicated issues to be resolved. They include the settlement of “dispute on the offshore islands in the Eastern Sea (South China Sea), the sovereignty of coastal countries over the zone of special economic rights and contingent shelf.” Recent skirmishes in the disputed waters between the two countries proved that despite the expression of good intention of reconciliation and cooperation, these issues continue to remain as thorns in the flesh in their relations. Smuggling along their common border and Chinese economic dominance add to the irritations despite a show of political friendship and solidarity through mutual high delegation visits to each other’s capital. Still, the 1990s may be considered as a “new epoch of closing the past and opening the future”[1] in their relations. However, there is no guarantee that the past with its baggage, coupled with current vulnerabilities will not return to rock their close, but fragile relationship.



## **A SYMBIOTIC RELATIONSHIP?**

Despite the presence of many issues and problems, Vietnam - China relations can also be described as one of mutual need. For Vietnam, China has been an important political ally during the wars of independence against the French and later the Americans, although this support was not something to be taken for granted, even in those times. It had and will continue to look for strategies of how to keep good relations with China without appearing to be 'submissive' to Beijing's unreasonable demands. It has learned from the past experience how to cope with a more powerful and bigger neighbour whose past belligerence was not unknown to Vietnam. Besides avoiding frictions with China, Hanoi also needed to cultivate a sort of ideological solidarity with Beijing. For some, this search for support and show of goodwill is seen as a political homage to a more powerful friend. But in the old days, this manifestation of goodwill was not a one-way traffic as both countries were mindful of their mutual needs, and they realized that this was one way of keeping relationship at a comfortable and workable level. A Vietnamese historian summed up this necessity in the following manner:

*“For Vietnamese rulers, tribute provided a way to remain relatively independent of their giant neighbor; avoiding both excessive cost and Chinese interference in their internal affairs. For China, it was a clever and economical device for dealing with a bordering country which the Chinese rulers did not consider practical to control directly and yet wanting to keep revolving within the orbit of China’s influence.”[2]*

Both sides understood their positions vis-à-vis each other and the limitations of influence over each other. Today, obviously many of the situations that shaped this thinking are gone, including the ideological solidarity that has become a thing of the past. Despite China's abandonment of its old policy of “bleeding Vietnam white”, Vietnam still worries about the many vulnerabilities that can create problems in its relations with China.

## **DISPUTE OVER TERRITORIAL WATERS: POINTING FINGERS AT EACH OTHER**

One of the issues affecting their relations was the demarcation of land border of more than 1,000 kilometers bordering China and north of Vietnam. This dispute took away much of their energy and time in the 1980s. A five-point agreement was reached at the end of 1987 in which they agreed to maintain peace and security along their northern border; stop the media warfare; monitor the military activities along their common border; and to facilitate trade and movement of the peoples of both countries through the opening up of borders. While they managed to come to an agreement on the northern land border problem, not much has been achieved regarding maritime disputes in the South China Sea. The Spratly Islands dispute has been more in the news than the

Paracels as it is claimed not only by China and Vietnam, but also by other countries including Malaysia, Philippines, Brunei and Taiwan. China is seen as more cautious in its attitude towards the Spratlys than in the Paracels, which could be due to the multilateral dimension of the dispute. It is also observed that incidents involving China and Vietnam with regards to the issue of South China Sea occurred more frequently than between China and other claimants. The South China Sea remains a thorn in the flesh in Vietnam-China relations, although they have been engaged in negotiations on the issue, both at high political and expert levels.

The sinking of a Vietnamese fishing vessel in the vicinity of a Chinese oil rig parked in disputed waters off Vietnam's coast (waters off Paracel Islands, claimed by Vietnam and China) this year has led to the two countries pointing fingers at each other as to who was responsible for the provocation. Vietnam considered China's "act of towing a massive oil rig, escorted by a fleet of military, police and fishing vessels to Lot 143, an oil and gas field inside Vietnam's territorial waters "as a brazen violation of Vietnam's sovereign rights over its exclusive economic zone and continental shelf". The incident also led to huge anti – Chinese riots in Vietnam, causing China to evacuate several thousands of its workers from Vietnam.[3] This is reminiscent of their 1979 war, which led to the exodus of Chinese from Vietnam. The current dispute has left not only a bitter after-taste in their political relations, but also soured relations at people-to-people level. A Vietnamese academic even advised Asians visiting Vietnam to "avoid being mistaken" as a mainland Chinese (*Trung Quoc*) because of the high anti – Chinese sentiment among Vietnamese since the incident.

China and Vietnam defended their positions and justified their actions in the Paracels. China's Vice Foreign Minister, Liu Zhenmin said that South China Sea is the lifeline for China; as such it is much more important to China than to other countries. China also claims that China's National Offshore Oil Corporation (CNOOC) has been exploring the area for ten years and the latest drilling operation "falls well within China's sovereignty and jurisdiction".[4] But Vietnam countered by saying that the rig is placed in its exclusive economic zone and continental shelf and has demanded China remove the rig, its vessels and resolve its maritime disputes.[4] But in conflict as in war, the first casualty is truth. With both sides accusing the other of provocations, it is difficult to ascertain who provoked who. Politically, it would be difficult to reason out why would a smaller, weaker and more vulnerable country such as Vietnam would want to provoke a powerful country like China. Would a smaller dragon dare to provoke a bigger dragon? On the other hand it is also politically correct to ask why China would want to provoke Vietnam which would only add to the growing concern and suspicion of China's intentions and ambition in the region, especially at a time when China is already deeply embroiled in the maritime disputes with other countries in the region, notably with the Philippines and Japan.

In April 2012, surveillance ships from the People's Republic of China and the Philippines came to a stand-off over the Scarborough Shoal (known in Chinese as Huangyan Island) which both countries lay claim to.[5] The Philippines strongly protested on what it regarded as "Chinese provocation and intrusion" into the area and

the standoff between them continued for several months. The incident also highlighted a well - coordinated strategy of China in strengthening its position in the South China Sea. It is reported that several Chinese agencies were involved in the incident, including the Chinese Foreign Ministry, China Marine Surveillance (CMS) of the State Oceanic Administration (SOA), The Fishery Law Enforcement Command (FLEC) of the Ministry of Agriculture and the People's Liberation Army (PLA).[5] It was reported that these departments managed to coordinate and worked out a united front and pressured the Philippines into withdrawing its surveillance ships from the waters.[5] The United States also expressed concern over the escalation of conflict and made it clear that they have "a strong national interest in the freedom of navigation and that they strongly opposed the threat or use of force by any party to advance its claims." [5] China is also involved in a bitter dispute with Japan over the ownership of the Senkakou Island which is claimed by both countries. While major incidences involving China and other countries were widely reported in the region, many of the "lesser" incidences involving Vietnamese and Chinese ships near Vietnamese waters remained unknown outside Vietnam.

After the initial wrath and diplomatic blows, the dispute between Vietnam and China over the Paracels seemed to have quiet down, but without issues being resolved. Would it follow then that one should not be overly worried about the recent China-Vietnam skirmishes in the Paracels as it could be no more than a flash in the pan? Or will the economic rise of China inevitably and necessarily be accompanied by the 'rise' in its territorial claims and encourages China to pursue its aims to "secure" itself by consolidating its hold in the South China Sea? If this were to be the case, the country that is most vulnerable to China's assertiveness would be Vietnam in view of the geopolitics involved and its past experience with China. Where would Vietnam turn to in order to ensure its security and protection? Could Vietnam count on ASEAN being a member of the Association of Southeast Asian Nations?

## **ASEAN, VIETNAM AND CHINA: BETWEEN A DIFFICULT PLACE AND A HARD ROCK**

ASEAN has often been praised as a vibrant and successful regional political and economic organisation. During the Cold War period, ASEAN had shown a lot of cohesion and unity in dealing with major regional issues such as the Cambodian problem, where it was able to take a common stand against Vietnamese intervention in Cambodia. By the 1990s, the three former Indochina were accepted into ASEAN. Vietnam joined ASEAN in 1995, after a long political and ideological 'estrangement' from its Southeast Asian neighbours. It was thought that Vietnam's entry into ASEAN might have provided the country with a psychological security vis-à-vis China, assuming that it could count on ASEAN for support if a member country is aggressed. For Vietnam, being in ASEAN would reduce or neutralize the insecurity of encirclement, perceived or otherwise, from both directions — China in the north and ASEAN in the south. At the same time, Vietnam, like other countries in ASEAN progressively developed close political, economic and social relations with China. The economic rise of China attracted ASEAN

countries to strengthen their mutually beneficial relations with the Asian major power. Today China can count itself as one of ASEAN's most valuable friends, even if some doubt about its reliability as a 'responsible' power and suspicion on its ambition still persist. In this regard, and based on past experience and geopolitical imperatives, Vietnam would find it difficult to throw all cautions to the winds in its relations with China. Nevertheless, good relations between ASEAN and China would greatly benefit Vietnam because these same factors would place it in a position to extract advantages from both sides. Good relations between China and ASEAN would spare Vietnam the difficulty of having to balance the two in a less favourable condition. It would also enable Vietnam to focus on consolidating its bilateral relations with China in order to remove some of the major obstacles in their reconciliation process.

## ASEAN SPLIT?

Some observers are fond of highlighting the 'split in ASEAN' over certain issues, in this case over the South China Sea problem involving its own members and China. Obviously in ASEAN, it is difficult to arrive at a common position towards this issue and many more. It is said that ASEAN member states that do not have any territorial dispute with China in the South China Sea often display an understanding of the Chinese position on the issue. One such example was Myanmar. During his visit to China in May 2012, Myanmar's president Thein Sein expressed support for China's position on the South China Sea. At the East Asian Summit in November 2011, both Cambodia and Myanmar refrained from commenting on the South China Sea issues. Malaysia, although one of the claimants in the South China Sea dispute is seen as more accommodating towards China as compared to other states who are involved in the dispute. Headlines such as "Malaysia tilts towards China", [6] "Malaysia , China keep low profile on conflicting sea claims" [7] came to be interpreted as Malaysia's friendly and tolerant attitude towards China's assertiveness in the South China Sea. Others maintained that Malaysia "splits" with other ASEAN claimants with regards to the Chinese assertiveness and threat in the South China Sea at it seemed to dismiss concerns about Chinese patrols off its coast. [8] In response to the Chinese navy ship coming to James Shoal off Malaysian waters in March 2013, Malaysia's Defence Minister Dato' Seri Hishammuddin Tun Hussein remarked in an interview that his country is not worried about how often Chinese ships patrol the areas it claims in the South China Sea. He added that the Chinese "can patrol every day, but if their intention is not to go to war, it is of less concern. I think we have enough level of trust that we will not be moved by day-to-day politics or emotions." [8]

Malaysia's subtle diplomacy and non-confrontational approach with regards to the South China Sea dispute with China is not shared by Vietnam or the Philippines. As for the Philippines, while its concerns about the Chinese assertiveness in the South China Sea are legitimate, it is no secret that the country would always welcome United States' assistance, in whatever forms and whenever opportunities arise. The Philippines does not hide the fact that it is worried and opposed to China's assertiveness in the South China Sea. But in dealing with China, Manila and Hanoi have different logic and situations to

consider. For Vietnam in general, China remains a sensitive issue in its foreign policy and national security. Its relations with China can be considered as a kind of “love-hate” relationship which stemmed from history and geopolitics. The ‘tyranny’ of its geography—being next door neighbour to China, contributed to Vietnam’s mistrust, even fears of China in many circumstances. Vietnam’s entry into ASEAN in 1995 was, among others, to act as a psychological buffer in this vulnerability and unpredictability in its relations with China. For Vietnam, China had always been a major national security concern and will most likely to remain so despite the current peace in the region. The South China Sea dispute not only compounds the problem, but is a reminder that its relations with China vulnerable and require a great deal of caution and care. Disputes over islands in the South China Sea notwithstanding, ASEAN countries, including Vietnam, are reluctant to forgo economic benefits they enjoy as a result of the rise of China and their amicable relations with the Asian power.

### **SMALL PROBLEM, BIG HEADACHE?**

A Vietnamese diplomat once remarked that for Vietnam, “China is a small problem, but causing a big headache”. The big headache for Vietnam is how to maintain a balanced relations with China given the attributes of that big power, the vulnerabilities of their geographical proximity and the historical baggage in their relationship. Culturally, socially and politically, Vietnam still finds itself, even if reluctantly so, closely linked to China as a result of the long years of association with its big neighbor. As for China, geopolitical considerations make it reluctant to cast aside Vietnam or to create an enemy out of it. The most that China could do in case of a recalcitrant Vietnam would be to repeat past ‘lesson’ on Vietnam, but would rather avoid dangers of escalating it into an open or full-scale conflict. Neither Vietnam nor China would want this to happen. In most probability, Vietnam would stand to suffer (physically) more even though China would be criticized at the international level. But, China would be able to weather the storm and withstand international criticisms because other countries too do not want to jeopardize their own interests in their relations with a major power on the rise, therefore will not go beyond strong verbal expression of disapproval. China might have the advantages of a strong military over Vietnam, but as this is no longer the age of ‘gun-boat diplomacy’, there are constraints to using such tactic. In addition, China still has many unresolved issues with a number of countries in the region. Will China risk losing good political and economic relations that it has successfully cultivated in the region just to make good its claim in the disputed areas through force? During the Cold War, Southeast Asia lived in the shadow of China and was highly suspicious of it, given the country’s huge population, vast territory and a dominating presence. The end of the Cold War ushered in an era of peace in Southeast Asia and in the minds of many, it is unthinkable that China would want to re-create an environment that proved detrimental to its own interests.

So, where will the recent dispute between China and Vietnam in the Paracels lead to? Vietnam has demanded that China remove the rig, its vessels and resolve the dispute. Many observers are doubtful of the sovereignty issue can ever be resolved in

the near future. Some have proposed that the two countries adhere to the United Nations Convention on Law of the Sea that provides an obligation for parties even in an area in dispute to enter into “arrangements of practical nature”.<sup>[9]</sup> Others are concerned that the debate is leading nowhere and “is taking us away from the effective cooperation that is necessary because the reality is that I don’t think the sovereignty claims are ever going to be settled in the foreseeable future.”<sup>[10]</sup> Meanwhile, anti – Chinese demonstrations in Vietnam have subsided. Chinese officials have also said that they are willing to talk about the issue that soured their country’s relations with Vietnam. Vietnamese officials for their part reiterated that Vietnam “would not engage in military actions, and engaged only self-defence activities.”<sup>[11]</sup> However, in comparison to the situation after the 1979 war between Vietnam and China, the two countries do not seem to be in a hurry to accommodate each other. In a press briefing by the Vice-Chairman of the National Boundary Commission on May 7 2014, Vietnam said that “*China’s action significantly affect the political trust between the two countries.*” Vietnam is also seen to have gained more confident in dealing with China, it’s most powerful and important neighbour.

## CONCLUSION

It has been almost three decades since Vietnam and China embarked upon economic reforms which had resulted in the opening up of the two countries to the outside world and facilitated their integration in Southeast Asia. Many of the problems and issues in their relations have been resolved, notably their agreement on land border management along the Sino-Vietnamese border in the north of Vietnam. Their political, economic and socio-cultural relations improved greatly. Since joining ASEAN, Vietnam has demonstrated its ability to adapt itself to a new regional strategic environment of the post Cold War and feeling much at ease in a community of states that were previously at odds with the country. ASEAN has also provided Vietnam with an opportunity to enhance its relations with China through its multilateral mechanisms and activities, thus further consolidating their close bilateral relations. In sum, Vietnam has been able to leave behind its past perception that the world “is a dark and dangerous place.” In fact, given the time and appropriate conditions to develop itself, Vietnam could position itself as major country in ASEAN. China has also established itself as an important economic and a politically respectable power with great military advantage over other countries in the region. More importantly, the two countries have become acceptable to ASEAN and have succeeded in forging close relationship politically, economically and even militarily.

However, as witnessed in the recent incident between Vietnam and China over the dispute in South China Sea, these gains do not guarantee peace and security in the region, more so in the relations between the two countries which in the past had been described “as close as teeth and lips.” In the past, when things went wrong in the relations between Vietnam and China, they were quickly patched up. Today many of the conditions facilitated their reconciliation have changed or are no longer important. The recent spat in the Paracel Islands is a reminder of the fact that there are still many thorns in the flesh in Vietnam-China relations which need to be removed in order to reduce

vulnerabilities and the unpredictability in their relationship. ASEAN, because of the special relations it has with China and Vietnam may find itself in a difficult situation if asked to choose between one and the other. For this reason, ASEAN needs to exercise a subtle and cautious response to any dispute between the two countries, or among its members. ASEAN's close relations with China and Vietnam may serve to moderate their influence over each other. They also need ASEAN for the obvious economic reasons as well as the security opportunities which will be problematic for them should ASEAN lose its neutrality. ASEAN, Vietnam and China's interests are intricately linked, as such could effectively be used to resolve disputes involving the three actors. There is more to gain from cooperation and resolving issues through peaceful means. As for China-Vietnam relations, which was built upon a long history of cultural, social, political and ideological interactions, it would be a pity if the arrogance of force and pride of nationalism would taint an enduring relationship, cultivated and woven over a long period of time.

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These must be clearly typed, triple-spaced and should be identified by numbers in square brackets placed flush with the right margin. In numbering, no distinction is made between mathematical and chemical equations. Routine structural formulae can be typeset and need not be submitted as figures for direct reproduction but they must be clearly depicted.

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Tables should be numbered with Arabic numerals, have a brief title, and be referred to in the text. Column headings and descriptive matter in tables should be brief. Vertical rules should not be used. Footnotes in tables should be designated by symbols or superscripts small italic letters. Descriptive materials not designated by a footnote may be placed under a table as a *note*.

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Figures, including diagrams, graphs and photographs, are to be referred to in the text as 'figures' and numbered consecutively in Arabic numerals.

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Metric units must be used for all measurements.

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All bibliographical references should be listed at the end of the manuscript. When referenced in the text, the citation number should be enclosed in square brackets, for example [1]. The citations should be arranged according to the order of appearance in the text.

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The following reference style is to be adhered to:

#### Books

Tucker, J.B., *In Toxic Terror: Assessing Terrorist Use of Chemical and Biological Weapons*, Cambridge, Massachusetts, MIT Press, 1999.

#### Chapter in Book

Kadlec, R.P., Biological Weapons for Waging Economic Weapon. *In* Battlefield of the Future: 21st Century Weapon Issues, (Schneider, B.R. and Grinter, L.E., eds), Maxwell AFB, AL, Air University Press, 1995.

#### Journals /Serials

Henderson, D.A., The looming threat of bioterrorism, *Sci.*, **283** : 1279-1283, 1999.

#### Online sources

Hurlbert, R.E., Chapter XV, Addendum: Biological Weapons, Malignant Biology, Available from <http://www.wsu.edu/~hurlbert/pages/101biologicalweapons.html>. (Accessed on 30 January 2010).

#### Unpublished Materials (e.g. theses, reports and documents)

Carus, W.S., Bioterrorism and Biocrimes: The Illicit Use of Biological Agents in the 20th Century, Center for Counterproliferation Research, National Defense University, August 1998.

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