Jointly Building the Belt and Road: An Investigation of Defensible BRI Operationalization in Malaysia

by

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Chapter 1: Introduction

Malaysia and the BRI: Introduction

The Belt and Road Initiative, an ambitious project launched by the Chinese government in 2013 to spread mutual prosperity through trade and investment across the world, has become synonymous with all of China’s foreign policy and external economic ambitions. While China is the driving force behind the Initiative and likely worthy of some of the suspicion regarding alterior geopolitical motives, there are many countries involved that hope to benefit from the infrastructure development promised by the Initiative, not just on China’s terms but also on their own.¹ The theoretical debates of the ‘Asian values’ thesis and the human right to development (hereafter, RTD) include core values that are central to the potential of the bilateral interactions within the BRI to contribute to defensible regional and international governance measures.² The ‘Asian values’ thesis emerged at the end of the 20th century partially as a culture-based ‘Asian’ justification for state autonomy, and the human right to development was added to the existing human rights discourse in part to challenge the norms of international governance. The ‘Asian values’ thesis and human right to development theoretical discussions allow for the analysis of Belt and Road Initiative rhetoric within the context of development-based theories that feature protections for state autonomy within Asia, instead of theories that feature actions that can be taken by Western countries and Western-institutions to improve global development. This thesis uses the case study of Malaysia, a member of the

¹ In this thesis, “BRI,” “Belt and Road,” “Belt and Road Initiative,” and “the Initiative” are used interchangeably.
² In this thesis, “RTD,” “right to development,” and “human right to development” are used interchangeably.
Association of Southeast Asian Nations (ASEAN) with well-established diplomatic relations with China, to demonstrate that the BRI can be examined as another attempt to similarly promote state autonomy, fair international governance, and balanced development. Belt and Road Initiative activity in Malaysia, and more specifically the East Coast Rail Link project that is being negotiated between China and key members of the Malaysian government elite, justifies cautious optimism for the future of the BRI, as it resembles a more balanced, transparent, and accountable process for bilateral relations able to be supported by regional and international institutions that may even exceed the promise of the original Belt and Road rhetoric. In order to examine the nuances in the relationships at play, I will first introduce the historical background and basic structural information of the Belt and Road Initiative before explaining my methods and the findings of this thesis.

**Xi Jinping’s Announcement of the Belt and Road Initiative**

In the fall of 2013, Chinese President Xi Jinping delivered two speeches, one in Astana, Kazakhstan and one in Jakarta, Indonesia, officially launching the Belt and Road Initiative. Given the scope of the Initiative, spanning over 60 countries, and its significance for China’s foreign policy strategy, the launching of the project was relatively inconspicuous. On September 7, 2013, in Astana, located in Kazakhstan on the ancient Silk Road, Xi introduced the idea of the “Silk Road Economic Belt.” In his speech, Xi emphasized both the history of the Silk Road as well as the precedent set by it for friendship and cooperation contingent on harmony and mutual trust among China and Central Asian countries. While Xi did not provide any concrete
details about the methods that would be employed to expand regional cooperation and take advantage of development opportunities in Central Asia, he did introduce the five methods or necessities for regional cooperation that would later be developed and known as the “five links” that would connect the Eurasian continent. In their original form from Xi’s 2013 speech, these methods included step up policy consultation, improve road connections, promote unimpeded trade, enhance monetary circulation, and increase understanding between peoples.³

In Jakarta, Indonesia, one month later on October 3, 2013, Xi launched the 21st-century Maritime Silk Road, the second half of the Belt and Road Initiative. In his speech in Jakarta, Xi unleashed his desire to build a China-ASEAN community with a common destiny. In order to unite under one common destiny, China and the ASEAN countries would need to take four steps including build trust and good-neighborly ties, work for mutually beneficial cooperation, stand together and assist each other, and enhance mutual understanding and friendship.⁴ This speech focused on the geographic and strategic relationships between China and the ASEAN countries, but also contained undertones of the “Silk Road spirit” that includes the renowned status of Southeast Asia as an important hub along the ancient Maritime Silk Road. Since Xi’s 2013 announcement of the Initiative, the BRI has been constantly expanding. It is no longer limited to target regions along ancient land and maritime trade routes, or to bilateral agreements between China and the 64 countries officially involved. The Initiative includes infrastructure, trade, and investment links

between China and an estimated more than 100 other countries. However, the rhetoric of the Initiative is still often grounded in its ancient and modern historical background.

**BRI’s Ancient Historical Background**

The trade routes of the ancient Silk Road are the framework for the pathways being formed anew with the modern Silk Road project. In the “Vision and Actions on Jointly Building Silk Road Economic Belt and 21st Century Maritime Silk Road” document, released by the Chinese National Development and Reform Commission (NDRC) in March 2015, the potential for increased connectivity and partnership of Asian, European and African continents along the Silk Road Economic Belt and Maritime Silk Road is predicated upon the history of the ancient Silk Road. While the Belt and Road Initiative is much more than a “modern day Silk Road,” the ancient Silk Road provides a method of conceptualization for the Chinese government to teach people about the Initiative, as well as a portion of the trade routes actually being reinvigorated through infrastructure development and enhanced trade practices. The ancient Silk Road is also important to the modern Initiative as part of the image China is trying to promote is essentially cooperative and peaceful. In the “Vision and Actions” plan, it is stated that the “Silk Road spirit,” the continuation of which is one of the pillars of the BRI, is the “peace and cooperation, openness and inclusiveness,

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5 Helen Chin and Winnie He, “The Belt and Road Initiative: 65 Countries and Beyond,” report, Fung Business Intelligence Centre (2016), 1.
mutual learning and mutual benefit” that has been passed from generation to generation along the ancient Silk Road route for thousands of years.6

While the ancient Silk Road has been rhetorically useful to the CCP in promoting the values of the Belt and Road, there are some significant differences between the connectivity that arose out of the ancient Silk Road and the cooperation goals that are part of the modern BRI. In terms of the areas served by development through trade and infrastructure projects, there is certainly overlap. For example, the landlocked central Asian countries, such as Kazakhstan, are on the main line of the Silk Road from China through Central Asia to Europe, and are also countries hoping to benefit from the BRI through business and politics.7 However, there are significant differences in trade and international relations mechanisms between today and 600 years ago when the Ottoman empire boycotted the Silk Road trade routes and closed them.8 Very generally, the driving forces of the ancient routes were primarily organic and unstructured. The ancient routes were occupied predominantly by traders, religious missionaries, and migratory laborers who engaged in bottom up organization of the transport of goods and ideas across Asia, Northwest Africa, and Southern Europe.9 In contrast, the Belt and Road Initiative fundamentally relies on top down, national-level facilitation of interactions between state actors. The modern BRI does rely on established foundations of cooperation and collaboration, and there might be room for local and regional organizations to shape BRI norms and how they

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7 Kenneth Rapoza, “Kazakhstan Bets Big on China’s Silk Road,” Forbes, July 18, 2017.
8 “Silk Road,” History.com.
9 “Silk Road Trade Route,” Encyclopedia Britannica.
are instituted. Overall, however, the comparison of the ancient Silk Road’s organic cooperation and the modern BRI’s cooperation goals requires romanticization of both the past and the present, and a misrecognition of the institutions and the modern political priorities that the BRI incorporates.

**BRI’s Modern Historical Background**

The Belt and Road Initiative is decisively more ambitious than just reinvigorated trade routes. In many ways, the Belt and Road Initiative is not a new, uniquely Chinese project. Throughout the 20th century, efforts were made by countries, including the United States and the United Nations to launch major regional infrastructure development projects.\(^\text{10}\) The end of the Cold War provided an opportunity for the development of Eurasia’s regional infrastructure as newly independent Eurasian states were able to become integrated into the global economy.\(^\text{11}\) Although the Belt and Road Initiative is bigger and has generated more publicity under Xi Jinping than any of the transcontinental infrastructure projects since the early 1990s, there are in fact numerous multilateral and unilateral projects that have already been designed, some of which have been included. The most notable of these include the Asian Land Transportation Infrastructure Development Program, launched by the United Nations Economic and Social Commission for Asia and the Pacific in 1992, “Eurasian diplomacy” efforts in Japan since the late 1990s and the “arc of freedom and prosperity” promoted by Japan in 2006, and the Silk

\(^{10}\) Nadège Rolland, *China’s Eurasian Century?: Political and Strategic Implications of the Belt and Road Initiative* (National Bureau of Asian Research, 2017), 8.

\(^{11}\) Ibid., 9.
Road Strategy Act, which was been introduced in the United States Congress four times from 1997 to 2006.\textsuperscript{12}

Additionally, the Belt and Road Initiative as an ambitious strategy for contributing to international governance and influencing regional and international affairs remains consistent with China’s intentions for its foreign policy beginning in the 1990s. At the end of the 20th century, China’s economic growth defied regional shocks like the 1997 Asian financial crisis.\textsuperscript{13} This economic growth resulted in technological change and academic progress, and transformed Chinese society.\textsuperscript{14} Furthermore, it reshaped China’s ability and inclination to take a stand on major international issues. At the time of the 1997 Asian financial crisis, the United States initially refused to bailout the Thai financial system and only offered money to the

\textsuperscript{12} Ibid., 9-26. These projects all represent cross-border Eurasian infrastructure development projects that have been put forward since the early 1990s. Although these multilateral and unilateral projects did not receive as much publicity as the BRI, they were designed and in many cases completed. The Asian Land Transportation Infrastructure Development program covered the entire Eurasian continent from East Asia to Europe and was intended to upgrade rail and roads, build missing links, and harmonize cross-border regulations. The UNESCAP focused on maximizing the use of existing land transportation infrastructure using funding from the World Bank and UN Development Program (UNDP). A physical skeleton for a transcontinental network through which cooperation and coordination can be improved has been created through this project.

Japan has been very active in promoting infrastructure building across Asia and it is important to note that political and historical dynamics between Japan and China as East Asian powers play a role in dictating the geopolitical tone and goals of various infrastructure initiatives. The “Eurasian diplomacy” attempted by Japan since the late 1990s and the “arc of freedom and prosperity” label given to efforts to help Southeast Asia and Central Asia highlight the possibility of failure due to lack of domestic support, as well inclusion of democratization by Japan into the calculus of securing both a stable international community and securing peace and stability in developing countries.

The United States has also notably been involved in efforts to reinvigorate Ancient Silk Road regions. The Silk Road Strategy Act, introduced in Congress in 1997, 1998, 1999, and 2006 called for the U.S. to support the “economic and political independence of the countries of the South Caucasus and Central Asia” by building a regional energy market, facilitating trade and transportation by reconstructing infrastructure damaged by conflict, improving customs and border procedures, and enhancing people-to-people relations. This idea is rooted in the history of the United States’ participation in conflicts in this region but it is worth acknowledging that the objectives of the U.S. New Silk Road are rhetorically similar to those of the BRI.


\textsuperscript{14} Ibid., 22.
region when South Korea threatened the entire global economy.\textsuperscript{15} China symbolically refused to devalue its currency, which some have interpreted as a major defense of other Asian nations and contribution to the stability of the region, even if it did not have the same impact as the eventual massive financial bailout offered by Japan, the United States, and the IMF.\textsuperscript{16} In a 2007 book entitled \textit{Charm Offensive: How China’s Soft Power Is Transforming the World}, Joshua Kurlantzick argued that this moment in 1997 marked a turning point for China:

For the first time in decades, China had taken a stance on a major international issue and had banked credit as a benign force in global affairs...Rather than playing defense, rather than just reacting to international affairs, they were ready to take the offensive, building a more sophisticated and powerful foreign policy.\textsuperscript{17}

China’s “charm strategy,” according to Kurlantzick, is the process through which China has increasingly expanded its use of soft power, first in Southeast Asia, but eventually expanding to Africa, Latin America, the Middle East, and beyond.\textsuperscript{18} This 2007 observation is not just confirmed today by the changes in China’s official statements on its place in the world, culminating in the 19th Party Congress report that China is ready to make “greater contributions to mankind,” but also by the Belt and Road Initiative itself.\textsuperscript{19} Somewhat in contrast, one of the most common comparisons that has been made to help people appreciate the scope of the Belt and Road Initiative, by the

\begin{footnotes}
\footnote{15} Ibid., 35.
\footnote{16} Ibid., 35.
\footnote{17} Ibid., 36.
\footnote{18} Ibid., 10.
\end{footnotes}
mainstream media as well as professional analysts, has been to the Marshall Plan.\textsuperscript{20} In the immediate post-World War II period during 1948, the United States Congress passed the Economic Cooperation Act to approve funding of what eventually became over US$13 billion to help a ravaged Europe rebuild after the war and to stop a communist expansion and the deterioration of European economies.\textsuperscript{21} From 1948 to 1951 the United States transferred US$13 billion, or about US$115 billion in current prices, to Europe for reconstruction.\textsuperscript{22} By comparison, “between 2014 and 2018, China financed an estimated US$448 billion (in foreign direct investment and completed construction contracts) in 64 Belt and Road partner countries.”\textsuperscript{23} According to the U.S. Department of State Historian, the Marshall Plan was applied solely to Western Europe, precluding any measure of Soviet Bloc cooperation, but has also been “recognized as a great humanitarian effort” that “institutionalized and legitimized the concept of U.S. foreign aid programs.”\textsuperscript{24} However, an analysis of similarities between the BRI and the Marshall Plan cannot be divorced from the differences in geopolitical context; the Marshall Plan was part of the development of the Cold War between the USSR and the United States.

The comparison between the Marshall Plan and the BRI is rooted in similarities in perceived aim; both projects represent a response to a “malfunctioning world order,” as defined by the United States for the Marshall Plan and China for the

\textsuperscript{21} "Marshall Plan, 1948," Office of the Historian, United States of America Department of State.
\textsuperscript{22} Richard Kozul-Wright, “Opinion: China’s Belt and Road isn’t like the Marshall Plan, but Beijing can still learn from it,” South China Morning Post, January 24, 2019.
\textsuperscript{23} Ibid.
\textsuperscript{24} “Marshall Plan, 1948.”
BRI, through macro political-economic investments.\textsuperscript{25} One fear that is expressed through this analysis is that the BRI could signal a new era of hostility between the West and a China backed by all the countries involved in the BRI.\textsuperscript{26} This is reminiscent of the dual function of the Marshall Plan; to provide financial aid to recovering economies but also as part of the Cold War strategy of a United States in the West focused on fighting the USSR and the East. However, an emphasis on an East-West economic dichotomy minimizes the general need for shared values as a prerequisite for a sustainable international order in an increasingly globalized world.\textsuperscript{27} In spirit, if not in practice, the BRI promotes building a shared future for connected, global communities, and has no recorded military goals even if the security landscape of the world might change with the BRI.\textsuperscript{28} Although the competitive relationship between China and the United States provides a caveat to the above analysis on the progression of China’s foreign policy after the 1990s, the values promoted by the BRI suggest that the promise of the BRI is at least more nuanced than the promise of the Marshall Plan.

Given the scope of the BRI, in practice answering the question of whether or not it represents a confrontational foreign policy strategy is complicated. Parallels not just to the Marshall Plan, but also to colonialism have commonly been made, even by those not attempting to dichotomize the East and the West. It is important to note that the modern history of the BRI necessarily involves the modern political and economic

\textsuperscript{25} Shen and Chan, 32.
\textsuperscript{27} Ibid.
\textsuperscript{28} Ibid.
histories of all of the 100 or more estimated countries involved. The connections made between the BRI and the Marshall Plan are part of a narrative created around the BRI that misunderstands the significance of China’s BRI strategy for not just the United States but Southeast Asia and the rest of the world. In a similar way, the connections made between the BRI and various colonial enterprises or implications leads to the association of all of China’s overseas activity with this one initiative, and reduces China’s foreign policy strategy into an attempt to strongarm the world. While China’s foreign policy goals are connected to the BRI, the significance and scope of the BRI extends beyond this comparison.

**Key Features of the Initiative**

There are three key themes, consistent throughout CCP messaging since Xi’s two 2013 speeches launching the BRI, that serve both as the most explicit explanation of the goals of the Initiative. These themes of connecting the Eurasian continent by the “five links,” binding the continent by the “Silk Road spirit,” and striving to build a “community of common destiny,” also serve to emphasize the important difference of the Belt and Road Initiative from past regional connectivity projects.\(^\text{29}\) The Initiative is more than just a series of construction plans. It is backed by considerable financial and human resources and is at least rhetorically unified by the promise of BRI values.\(^\text{30}\) The precise details of the BRI, such as timeline, number of countries involved, initiatives officially included, and number of projects underway, vary from country to country, and in many cases have changed dramatically since the BRI was

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\(^{29}\) Rolland, *China’s Eurasian Century?*, 43.
\(^{30}\) Ibid., 43.
officially announced in 2013. However, the key features outlined below, including the expansive geographic scope, broad cooperation priorities, and bilateral agreements, are the foundation of the project and have been repeated in official documents released by the CCP since 2013.\textsuperscript{31}

The “Vision and Actions” document from 2015 provides a general roadmap of the Belt and Road strategy.\textsuperscript{32} There are six main economic corridors that officially make up the geographic scope of the project, although the reality according to the Center for Strategic and International Studies’ \textit{Reconnecting Asia} reports is that BRI activity is not following these corridors.\textsuperscript{33} The Silk Road Economic Belt includes the China-Mongolia-Russia Corridor, the China-Central Asia-West Asia Corridor, and the New Eurasian Landbridge. The 21st Century Maritime Silk Road includes the China-Indochina Corridor, the China-Pakistan Economic Corridor and the Bangladesh-China-India-Myanmar Corridor.\textsuperscript{34} Transport infrastructure construction especially is supposed to concentrate along the key passageways and ports along these corridors.\textsuperscript{35} Internally, the Belt and Road Initiative does not cover all of China, although it aims to impact all Chinese citizens through its economic benefits, international relations benefits, and new ties of friendship. It was announced by the central government in December 2013 that the Silk Road Economic Belt would include the Chinese provinces of Shaanxi, Gansu, Qinghai, Sichuan, and Yunnan; the autonomous regions of Ningxia, Xinjiang, Inner Mongolia, and Guangxi Zhuang; and

\begin{itemize}
  \item \textsuperscript{31} Ibid., 43.
  \item \textsuperscript{32} Ibid., 51.
  \item \textsuperscript{33} “Competing Visions,” \textit{Reconnecting Asia}.
  \item \textsuperscript{34} “One Belt, One Road,” China Britain Business Council.
  \item \textsuperscript{35} “Vision and Actions on Jointly Building Silk Road Economic Belt and 21st-Century Maritime Silk Road.”
\end{itemize}
the Chongqing Municipality.\textsuperscript{36} The 21st Century Maritime Silk Road would include the provinces of Jiangsu, Zhejiang, Fujian, Guangdong, Shandong, and Hainan.\textsuperscript{37}

The cooperation priorities of the Initiative are the “five links” of policy coordination, facilities connectivity, unimpeded trade, financial integration and people-to-people bonds.\textsuperscript{38} These priorities are to be addressed through the cooperation mechanisms outlined in the “Vision and Actions” document. China aims to take advantage of both existing bilateral cooperation mechanisms, such as various joint, mixed, coordinating, and management committees focused on the bilateral relations of the BRI within the CCP, and multilateral cooperation mechanisms, such as the Shanghai Cooperation Organization (SCO), ASEAN Plus China (10+1), Asia-Pacific Economic Cooperation (APEC), and the Greater Mekong Subregion (GMS), among other organizations.\textsuperscript{39} Furthermore, China aims to encourage the role of regional and sub-regional level international forums and exhibitions, such as Boao Forum for Asia, China-Eurasia Expo, and China International Fair for Investment and Trade.\textsuperscript{40} Additionally, in May 2017, the PRC hosted “The Belt and Road Forum for International Cooperation,” which was attended by 29 foreign heads of state and government, as well as various heads of international organizations, to provide a cooperation platform and discuss methods to achieve “a more just, reasonable and balanced international governance system.”\textsuperscript{41}

\textsuperscript{37} “A Score of Chinese Provinces Deploy ‘One Belt, One Road’ Strategy,” \textit{Xinhua Finance}, 2015.
\textsuperscript{38} “Vision and Actions on Jointly Building Silk Road Economic Belt and 21st-Century Maritime Silk Road.”
\textsuperscript{39} Ibid.
\textsuperscript{40} Ibid.
\textsuperscript{41} Xinhua, "Belt and Road Forum Agenda Set," \textit{China Daily}, April 18, 2017.
One of the most essential features of the BRI is the bilateral agreements between governments that represent and enable the implementation of the Belt and Road Initiative in its member countries. There are 65 countries “officially” involved in the BRI, including countries in Asia like Sri Lanka and Malaysia, countries in South America like Venezuela, Ecuador, and Bolivia, and many African countries, such as Zimbabwe. The Chinese government has never announced an official list of the countries included in the Initiative, however, in 2015, a Chinese report identified the 65 countries along the Belt and Road that will be participating.\(^2\) Nevertheless, as the “Vision and Actions” plan notes, “the Initiative is open for cooperation. It covers, but is not limited to, the area of the ancient Silk Road. It is open to all countries, and international and regional organizations for engagement.”\(^3\) A 2016 report by the Fung Business Intelligence Centre in Hong Kong collected a list of all of the countries that had participated or showed interest in the BRI and identified 48 countries likely to become active participants in the future but not covered in the 65 country list released in 2015.\(^4\) These countries participate or have shown interest in the Initiative through joining the Asian Infrastructure Investment Bank (AIIB), developing transport infrastructure in collaboration with China, publicly endorsing the Initiative at the UN and other international forums, and other forms of cooperation.\(^5\)

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\(^2\) Chin and He, 1.
\(^3\) “Vision and Actions on Jointly Building Silk Road Economic Belt and 21st-Century Maritime Silk Road.”
\(^4\) Chin and He, 4.
\(^5\) Ibid., 4.
Official bilateral project agreements with China are not the only way in which countries have supported the Initiative, however, the political exchanges between China and the political elite of BRI member states have been at the center of BRI progress and controversy so far. The politics of host country governments can heavily dictate the outcome of BRI projects and highlight how although China is the driving force behind this initiative in its ambiguous form, the reality involves host country cooperation and communication, and potentially corruption, at least at the national government level. The bilateral nature of much of the BRI is a central theme of this thesis; it can be heavily critiqued when there is a lack of transparency and accountability, but there is also room for regional norms and governance measures to shape and alter bilateral agreements into more balanced methods of promoting and advancing infrastructure development.

**Key Institutions of the Initiative**

China and the BRI member countries rely on a number of key institutions to fund and carry out BRI initiatives. There are several new banks and sources of funding that have been created by the Chinese government in recent years in order to finance multilateral infrastructure projects. Notably, Asian Infrastructure Investment Bank (AIIB), the idea for which was first suggested by Xi Jinping in Jakarta in 2013, and the Silk Road Fund are two new financial institutions headquartered in Beijing. These Chinese funding sources illustrate Beijing’s departure from relying on resources and restrictions provided by more Western-based, international institutions such as World Bank and the International Monetary Fund. The World Bank and the
Asian Development Bank just do not have a big enough capital base to fund the $8 trillion USD necessary to complete all of the proposed infrastructure needs, contributing to China’s need for the AIIB and Silk Road Fund to support the BRI. In addition, China is also relying on the China Development Bank and Export-Import Bank of China.

Think tanks are at the center of the “people-to-people” exchanges portion of the Belt and Road objectives. The CCP’s International Liaison Department (ILD) has its own in-house think tank used for policy research, including BRI policy research. This think tank exemplifies the CCP’s model for developing think tanks that promote Chinese soft power and remain connected to the state, rather than follow the Western, more bipartisan model for think tank development. The ILD think tank represents the promotion of building of think tanks with “Chinese Characteristics,” but also Xi Jinping’s preference for the party over the state apparatus. This highlights the fact that thus far, Xi Jinping’s party-centric government has been the crucial driving force behind the institutionalization of the Belt and Road Initiative. Especially under Xi Jinping, the control of the party over the state in China is significant, and so in this thesis I treat China as a party-state by using “China” and the “CCP” interchangeably except as otherwise noted.

Think tank and NGO activities related to the Belt and Road Initiative highlight the need for solutions to several extreme, BRI-related problems. Questions relating to time-sensitive global security and environmental concerns specifically demonstrate

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46 Rolland, *China’s Eurasian Century?*, 55.
where key thinking is occurring on the international NGO level that might be grounded more in what is best for the international community as a whole. Additionally, there is still a need for regulation over what China has proposed and supported, in terms of infrastructure development and human rights protection, and over the autonomy of member states to make deals with China-centered institutions to fund projects. This will be discussed later in this thesis when evaluating the appropriate measures through which to consider what regulation is necessary and what types of structure regulation from NGOs, nations, regional governance bodies, and international institutions provides. Notably, however, there is a significant lack of regulation of technologies being exported from China, especially over energy extraction technologies, such as coal power plants. NGO pressure, from within China and internationally, might add structure to the general development framework the existing BRI attempts to provide.

**Major Questions to Ask of the BRI**

Nadège Rolland, a senior fellow at the National Bureau of Asian Research who has produced a large volume of work analyzing the BRI since its initial public introduction, does a good job providing a neutral summary of the Initiative. The basic idea, she wrote in 2018, is that “infrastructure building (roads, railways, port facilities, pipelines, fiber optic and IT networks) across Eurasia will bring economic development to a large region spanning East to West, from China’s eastern shores to Europe via Russia, Central Asia, South Asia and the Middle-East, and from China’s southern shores to Southeast Asia, the Indian Ocean, the Persian Gulf and the
This list of regions can be updated to include parts of Africa, Latin America, and the Arctic. Rolland goes on to note that the vast region covered by the Initiative is mainly composed of emerging markets and rising middle classes, which accounts all together for two thirds of the world population and over half of the global GDP. Infrastructure development is only one of the BRI’s five components, and Rolland, along with many others, argues that the “BRI’s different components serve Beijing’s vision for regional integration under its helm.”

When considering the historical background, modern political context, and the economic and social implications of the BRI, the question of whether or not there is an intended theory behind the Chinese and BRI member state operationalization of the Initiative looms. Rolland identified the four main challenges, and prescribed solutions, of the BRI according to Chinese experts as of 2017 in her book. These challenges and solutions generally are (1) overcome lack of experience in Eurasia’s complex environment by improved understanding and better risk assessment; (2) BRI’s economic viability and options for mitigating investment risks; (3) means of circumventing the potential negative reactions to BRI, both from great powers and smaller recipient countries; (4) ways of reducing the security threats that could draw China into local predicaments. However, outside of these identified challenges and questions about identified solutions, the international community, as well as people within China, still have many other questions about the BRI. The plethora of

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50 Ibid.
51 Ibid.
52 Rolland., China’s Eurasian Century?, 151.
problems identified by the Western media and professional analysts include neocolonialism and host countries getting trapped in debt, abandoned projects, the exportation of outdated technology, and the protection of state autonomy from enforcement by international governance institutions. For the purpose of this project, I have some more theoretical questions to add to the way in which the BRI has been analyzed: where is there room for hope for the Belt and Road Initiative rhetoric to provide some sort of normative good to the communities with which it interacts? Similarly, by what theories of international relations should this initiative be judged and to what end?

Furthermore, there are many important questions to ask regarding China’s strategic choices exhibited by the BRI. However, given the scope of this project, I am primarily interested in a broad assessment of what the current status of the BRI in a host country says about the relationship between the strategic goals of China and host countries, based on the relevant core values asserted by the ‘Asian values’ debate and the human right to development discourse. In this thesis, the question I aim to answer is less practical than theoretical. At this point, I have summarized the key information needed to try and understand the Belt and Road Initiative in various contexts, and presented the core contention of this thesis: more importantly than whether or not the Belt and Road rhetoric is just a smokescreen for China’s geopolitical aims is whether or not the BRI provides an alternative framework to an existing or proposed set of international economic or political norms for balanced, transparent, and accountable development.
Malaysia and the BRI: Methods and Findings

In this thesis I will address the above questions by considering what the justification of the Belt and Road Initiative is, how this justification compares to other sorts of normative justifications, and how this justification is reflected or applied in one BRI partner country, Malaysia. In order to critique specific ways in which the BRI is being operationalized as an expression of a set of values and how it should or could be operationalized moving forward, one needs to first consider the assumptions that set of values relies on and how those values relate to real places and governments. Additionally, as even a general review of the rapidly growing body of secondary literature that has been produced on the BRI thus far shows, much of the existing analysis of the BRI relies on sets of assumptions about how China itself fits into the discussion, namely that China is fundamentally the center of this initiative and driving all of the controversy. However, as Hong Liu and Guanie Lim identified in a 2018 article, BRI infrastructure in Malaysia, “reveals how key domestic political actors have remolded the initiative,” demonstrating how BRI recipient country political and economic goals play a big role in determining the outcome of projects especially when those political and economic goals diverge from BRI objectives.53

For many contemporary scholars, the significance of the Belt and Road Initiative is the ways in which it provides reason to be wary of authoritarian China’s influence on the world stage. However, the idea of a direct confrontation with the West that may or may not be promoted by the Initiative contrasts with other arguments about China’s general strategic goals or lack thereof. Furthermore, China

and the West are not the only parties concerned with the BRI, and host countries often have agency in dictating the conditions of BRI project implementation and the development of communication ties with China. There seems to be a need to look below the surface of Chinese and Western propaganda to look at the actual driving forces and interests served by this policy. There are many reasons to be wary of what the BRI has changed about the relationships between China and other countries. Beijing insists that the BRI has no geopolitical motives, but regardless of the truth of that statement, the mechanisms and scope of the Initiative mean that there is necessarily something that can be said about the way in which China is trying to relate and economically and politically interact with other countries in its region and across the world. Furthermore, an analysis of the regional and international bodies and regulatory structures reveal how much room for positive growth exists within both the international governance and BRI frameworks.

It is possible to claim that BRI is just a smokescreen for China’s geopolitical aims, especially given the quantity of economic, political, and military power engaged in relations between China and BRI host countries. While China may not have demonstrated a deep devotion to the values promoted in the BRI since its inception, the theoretical debates on ‘Asian values’ and the RTD, and their modern manifestations in Malaysia provide a yardstick for assessing the weight behind China’s justification of such a massive economic and political undertaking. Ultimately, the evolving status of the Belt and Road Initiative in Malaysia, and the greater ASEAN region, illustrates many of the important nuances in global and regional development, and builds off of significant theories about state sovereignty
and international governance, but especially the ‘Asian values’ thesis and the emergence of the human right to development as an international norm. No blanket statements about the success of lack of success of BRI projects have been sufficient thus far to capture the trends in economic and political relations. The BRI does seem to represent a potential alternative to the existing international order, demonstrated by the prominence of the bilateral arrangements and national development focus. However, the lack of transparency and accountability as a result of a lack of regional and international, and sometimes national regulatory bodies involved has meant that this new order does not yet ensure the protection of defensible standards of development. With further regard to international norms, the case of Malaysia demonstrates that existing international norms and regional mechanisms could provide the structure and accountability missing from many BRI-based interactions, but local and national politics seem to be the actual major driving force behind the realization of infrastructure building.

In order to consider the BRI from this political-ideological angle, I have structured this thesis in terms of an investigation into two significant theories relating to development and human rights, the ‘Asian values’ thesis and the human right to development, followed by a case study of Malaysia, a country that has been significantly linked to both of these theories as well as to BRI activity. The theoretical debates of the ‘Asian values’ thesis and the human right to development allow for a more nuanced evaluation of the dynamics of regionalism, development, and the international and national politics at play in Malaysia within the context of proposed
partial frameworks for development that emphasize state autonomy and fair international governance.

Chapter 2 analyzes the ‘Asian values’ debate advanced in the 1990s by Lee Kuan Yew and Mahathir Mohamad in order to answer the question of whether or not the BRI represents the reemergence of that debate, and if not, what critical claims does that debate make that might support China’s normative justification for the BRI. I argue that while the Belt and Road rhetoric, as an ambitious plan with strategic goals rather than the theoretical justification for the actions of a few Asian leaders and countries at the end of the 20th century, cannot possibly be just a reprise of the ‘Asian values’ debate, it does reflect similar questions about the relationship between state autonomy and development. Furthermore, the debate highlights regional capacities to challenge norms and expectations of government on an international level. The key importance of the ‘Asian values’ debate to the Belt and Road Initiative is therefore in illuminating the ways in which the Initiative claims to protect state autonomy and contains rhetoric that could be integrated into an alternative model for economic development. The theoretical foundation of the ‘Asian values’ debate is a sort of culture-based regionalism and the protection of state autonomy; regionalism and state autonomy are also central to an analysis of the BRI in Malaysia and Southeast Asia.

Next, Chapter 3 examines the history of the human right to development, the post-Cold War promotion of human rights, freedom, and democracy in Asian countries, and how human rights are connected to the BRI’s development claims. The human right to development was introduced into human rights discourse in the 1960s and was adopted by the UN General Assembly through the UN Declaration on the
Right to Development (UNDRTD) in 1986. Thirty years after the UNDRTD, in the early 2000s, the general consensus in the academic community was that there has not yet been adequate progress on institutionalizing or interpreting this right. The BRI does not at this moment provide enough structure to better support the human right to development as initially envisioned by the UN. Additionally, China’s repressive human rights record and the vagueness in BRI rhetoric and agreements do not support claims that the BRI is currently providing a defensible model of development that ensures accountability and transparency. However, while the BRI has not served as a structure through which to realize the human right to development or adequately update the ‘Asian values’ thesis, the number of countries, institutions, and interests involved might ensure both adherence to a more inclusive standard of international or regional norms and also the creation of norms and institutions that both support and rely on the human right to development. I argue that ultimately the operationalization of the values of the BRI, as they coexist with some of the positive outcomes of both the ‘Asian values’ debate and the development of the human right to development discourse, thus seems to rely on international and regional accountability measures.

Chapter 4 includes my case study of Malaysia for the application of these theories and analysis of the BRI on national and regional levels, and a demonstration of the emptiness of BRI rhetoric. Furthermore, this chapter aims to demonstrate, in spite of the many necessary criticisms, the positive potential of the BRI identified in the previous two chapters. Ultimately, Malaysia reveals the hidden possibility in the Belt and Road Initiative; Malaysia is an active player in one of the regions directly targeted by the BRI, and the case study of Malaysia also highlights the changes being
made to morph the BRI into a more balanced, transparent, and accountable system for development. More specifically, the tension surrounding the BRI in Malaysia and the potential for regional connectivity are both exemplified by tension surrounding the ongoing negotiations over the East Coast Rail Link (ECRL) project. In terms of the theoretical debates articulated in the previous two chapters, there seem to be no direct or strong links to the BRI as manifestations of these two platforms in Malaysian or Chinese documents or secondary literature on Malaysia and the BRI. However, the theoretical structures of sovereignty, as part of the ‘Asian values’ debate, and international governance, as reflected in the emergence of the RTD are central to discussions about Malaysian development and the debate over the ECRL. Ultimately, the debate surrounding ASEAN regional enforcement and development further highlights the potential for regional accountability measures to streamline the development and connectivity process, and the ECRL progress highlights the hopes and geopolitical goals that are attached to the BRI, and emphasizes Malaysia’s role in Southeast Asia juxtaposed with China’s.

The conclusion includes an exploration into the significance of the findings from the theoretical analysis of the relationship between ‘Asian values,’ the human right to development, and Malaysia and the ASEAN region, as well as a discussion of some of the many important questions related to the BRI and Malaysia not discussed in this thesis. I hope to demonstrate with this project that there is an interesting balance of local, national, regional, and international interests, needs, and hopes at play with Malaysia’s relationship to the BRI. Crucially, I do not argue that the BRI is, in practice or theoretically, now a feasible alternative to existing frameworks for the
promotion of regional economic integration and globalization. However, if China and BRI host countries are encouraged to better identify common interests to be satisfied with BRI project implementation through a process of national, regional, and international accountability measures, an alternative platform for development and globalization, illustrated by the positives of the ‘Asian values’ debate and the human right to development, might be realized.
Chapter 2: ‘Asian Values’
The Debate, China, and the Rise or Collapse of an “Asian” Justification for State Autonomy

The rhetorical framework of the Belt and Road Initiative is reminiscent of various theoretical frameworks that have been developed by academics and authoritarian governments alike to try and understand the role of China, and other East Asian countries, in the modern political and economic world order. In Astana in 2013, Xi Jinping established the development of friendly cooperative relations with the Central Asian countries as a strategic priority of the Silk Road Economic Belt and emphasized his desire for sincerity and mutual trust in Central Asia.\(^\text{54}\) Also in 2013, in Jakarta, Xi highlighted the common bond between China and ASEAN countries, and promoted the 21st-Century Maritime Silk Road as the tool to build a China-ASEAN community with a common destiny.\(^\text{55}\) Two years later in 2015, mutual trust and a community with a common destiny were still part of the Belt and Road rhetoric, as exhibited by the “Vision and Actions on Jointly Building Silk Road Economic Belt 21st Century Maritime Silk Road” document. At first glance, the concept of an Asian community working together for a new outlook on development of the region and the world seems reminiscent of the ‘Asian values’ argument, used at the end of the 20th century by former Singaporean Prime Minister Lee Kuan Yew and Malaysian Prime Minister Mahathir Mohamad, among others, to promote uniquely Asian forms of governance that fit the cultural and economic capacities of Asian countries. The ideological challenge of this thesis is to understand the justification for the Belt and Road Initiative as it functions as some type of mechanism for cooperation. Belt and

\(^{54}\) Xi Jinping, “Work Together to Build the Silk Road Economic Belt,” 318.

Road rhetoric, and the ways in which it may be reminiscent of the ‘Asian values’ debate, provides a channel through which to challenge the debate’s usefulness as a sort of theoretical framework.

The questions this chapter seeks to address are therefore: is there any part of the presentation of the Belt and Road Initiative that is just a repeat of the ‘Asian values’ debate, what are the implications of the answer to that question, and what can the pillars, execution, and failures of the ‘Asian Values’ theory teach us about assessing the potential justification of the modern Belt and Road Initiative? A discussion of the theoretical context of the ‘Asian values’ debate reveals that a premise of the debate is one of cultural relativism and the theory was widely critiqued, partially on those grounds. Additionally, the theory was eventually widely discredited after the 1997 Asian financial crisis, when the structural economic weaknesses of the theory, as well as some of the reasons for its popularity among authoritarian leaders, were exposed. There are two key themes of the ‘Asian values’ featured in all of the discussion below about the emergence, downfall, and legacy of the ‘Asian values’ debate: culture and state sovereignty. Culture is the basis on which the ‘Asian values’ thesis was argued, but is ultimately less useful to the discussion of the Belt and Road Initiative because of the problems associated with generalizing cultural values across a region without adequately acknowledging the important political and economic factors that play a role in determining state autonomy. The protection of state sovereignty also needs to be critiqued as a problem of the ‘Asian values’ thesis, but is more important to the Belt and Road Initiative as a defense
against other forms of universalism and as something that could be positively
promoted in the BRI as an alternative to other forms of international governance.

Therefore, the theory is still significant, not just as a tool used by authoritarian
rulers to justify their own authority and activity, although the use of its premises as a
tool for authoritarian justification does support transparency and accountability as
necessary for balanced development. The debate provides a conditional defense of
local autonomy rooted in cultural as well as political and economic expectations and
relations. Furthermore, China’s participation in the ‘Asian values’ debate was limited,
but was closely tied to their involvement with international discourse on the human
right to development. While the Belt and Road rhetoric, as an ambitious plan with
strategic goals rather than the theoretical justification for the actions of a few Asian
leaders and countries at the end of the 20th century, cannot possibly be just a reprise
of the ‘Asian values’ debate, it does reflect similar questions about the relationship
between state autonomy and development, as well as where there is room to challenge
and develop international and regional norms and expectations of government.

Theories of Cultural Relativism: Culture and Development, Culture and
Globalization

In order to understand the way in which the ‘Asian values’ theory has been
applied and can be applied, it is important to understand the broader discussion of the
relationships between culture, development, and globalization. Since the 18th century
when the first Industrial Revolution took place in Western Europe, the process of
development has been altered and updated, and has necessarily looked different for
every country or region. However, there are many theories that attempt to generalize
the relationship between culture, economic development, civil society, or
international factors and regime type, in order to make predictions about prospects for
different regimes in a variety of countries and regions. Many proponents of
modernization theory, for example, claim that economic development is closely
related to either the emergence or sustainability of democracy through processes of
education, increased GDP per capita, and shifts in class structures. On the other hand,
some theorists have formed culturalist arguments and claim that political culture
especially plays a role in shaping the political system of a country. Political theorist
Larry Diamond, for example, asserted in 1999 that there are considerable theoretical
and empirical grounds for expecting that political culture plays a role in the
development and maintenance of democracy.56 Similarly, in 2004, Ronald Inglehart
asserted that while economic development matters in terms of the emergence of
democracy as a political regime, culture, specifically historical cultural heritage, also
shapes economic and political development.57 Inglehart’s theory that development is
linked both with changes in absolute social norms and also the endurance of cultural
traditions, builds off of the Weberian tradition that includes Fukuyama and
Huntington, as well as the work of Modernization theorists, starting with Marx.58
While these theorists are primarily preoccupied with the cultural conditions that lead
to the emergence or consolidation of democracy, their arguments provide the

58 Ibid., 80.
foundation for the potential argument that development in East Asian countries could be dependent on cultural factors, or even that cultural factors could trigger economic growth.

‘Asian values’ is a generic term for political arguments based regionally within Asia in support of the protection of state autonomy from universal regulation based on cultural or pseudo-cultural premises.\(^59\) According to Singapore specialist, Michael D. Barr, Lee Kuan Yew is “the undisputed architect of the ‘Asian values’ argument.”\(^60\) Lee Kuan Yew was the prime minister of Singapore from the time they gained independence in 1959 until 1990, when he became “Senior Minister.”\(^61\) Under his rule, over the course of several decades, the small island nation without any natural resources became a modern international city with a highly developed free-market economy and the third highest per capita GDP in the world.\(^62\) Much of the city’s success is attributed to the vision and policies of Lee Kuan Yew, the world’s longest-serving prime minister in history.\(^63\) One of the features of Lee Kuan Yew’s reign as Singapore’s authoritarian leader was the emphasis he placed on distinguishing between Western concepts of society and government and East Asian concepts.\(^64\) In a 1994 interview with Fareed Zakaria, Lee Kuan Yew explained that in Eastern societies, the individual exists in the context of his family, as opposed to

\(^60\) Ibid., 3.
\(^63\) Ibid.
\(^64\) Zakaria, 113.
individualistic Western societies. According to Lee, the family is the tested building block of society that provides the basic foundation for Eastern civilization. In this interview, Lee Kuan Yew also outlined the failure of the liberal intellectual tradition to provide the order and moral sense of right and wrong that are necessary in society. Lee was interested only in a narrow reading of Confucianism that included only the values characteristic of the ‘Asian values’ argument, in order to reject Western decadence and establish a version of “socialism” unique to Singapore and justified by economic achievement. Lee Kuan Yew’s general understanding of ‘Asian values’ is consistent with the culturalist theories of Diamond and Inglehart about the close relationship between culture and destiny.

For Mahathir Mohamad, when he was the Prime Minister of Malaysia for the first time from 1981 to 2003, the cultural relativism of the ‘Asian values’ debate also played a role in his demonstrated political ideology. Lee and Mahathir were once political rivals, but both shared an illiberal approach to democracy linked with the identification of East Asian culture. A major feature of Mahathir’s career was his ‘Look East!’ policy, which celebrated Japan, South Korea, and Taiwan as models of successful cultures. Similar to Lee Kuan Yew, Mahathir was concerned with the corrupting effects of ‘Western values’ reflected in the libertarianism and secularism that became popular in the United States during the 1960s. Also similar to Lee Kuan

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65 Ibid., 113.
66 Ibid., 114.
67 Ibid., 112.
68 Barr, 31.
69 Ibid., 41.
70 Ibid., 42.
71 Ibid., 43.
Yew, Mahathir did not criticize all ‘Western values,’ but separated hedonism, homosexuality, civil disobedience, and ‘total immorality,’ among other values, as the negative, modern ‘Western values’ to avoid. In a speech given in 1995, Mahathir highlighted these modern ‘Western values’ as the antithesis of spiritual faith, communal life, and stability. The solution to the absorption of Western values, was therefore to ‘look East.’ The ‘Asian values’ debate emerged from Lee and Mahathir’s assertions that “Asian culture” is different and so “Asian” countries and their development should be treated differently.

Explanation and Codification of the ‘Asian Values’ Debate: The 1993 Bangkok Conference and Beyond

The ‘Asian values’ thesis is centered around the assertion that a set of values is shared by people of many different nationalities and ethnicities living in Asia, usually East and Southeast Asia, although it is not always explicit who proponents and opponents of this theory are including in the debate. One assertion of ‘Asian values’ thesis is that a strong government and a strong family are the two pillars of Asian society. In terms of the first pillar, given the primacy of the community over the needs of the individual, it is the state’s duty to deliver peace, stability, and economic development to their collective people. Arguably, an important feature of this components of the ‘Asian values’ argument is the assertion of a dichotomy between East and Western histories, cultures, and forms of government. In terms of

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72 Zakaria, 113.
73 Barr, 43.
74 Ibid., 6.
the second pillar, because the state should not provide anything the family can provide on its own, as a natural and self-sustaining mechanism for providing socialization and social services to the population, the strong family serves as the “prime conceptual basis of a relational view of society.”\(^7^5\) Beyond these two pillars, one further point of emphasis within the “Asian values” thesis is the economic value of ‘Asian’ social values, particularly those that could also be classified ‘Confucian’ values: thrift, hard work, high standards of education and communalist, team-based approaches to work.\(^7^6\)

The ‘Asian values’ thesis was quickly rejected by some intellectuals and leaders because there is no empirical evidence that these values are shared across Asia, that they do not overlap with values in Western societies, or that economic change can definitively be attributed to ‘Asian values.’\(^7^7\) An interesting acknowledgment for the context of the discussion is therefore that the ‘Asian values’ identified in triumph as the reason for record-breaking economic growth, primarily by Lee Kuan Yew and Mahathir Mohamad, were the same values that had been cited for decades by development specialists attempting to identify why Asian societies had lagged behind the West in economic development.\(^7^8\) Neither the reasons identified above for the rejection of the values identified within the thesis as distinctly “Asian,” nor the economic lag and then success of Asian countries support the thesis as

\(^{75}\) Ibid., 7.
\(^{76}\) Ibid., 8.
justification for the extraordinary protection of state autonomy for authoritarian rulers. As Amartya Sen noted in 1997,

…the barriers of nationality and citizenship do not precluded people from taking legitimate interest in the rights of others and even from assuming some duties related to them. The moral and political examination that is central to determining how one should act applies across national boundaries, and not merely within them.\textsuperscript{79}

This argument on the importance of acknowledging the limits to protections for state sovereignty can be incorporated into the critique of an “Asian” justification for statue autonomy. It is notable however, that the reasons cited for economic change in Asia at the end of the 20th century were suddenly considered positive instead of negative values. This supports the idea that conceptions of culture, and the ‘Asian values’ argument, can be reconstructed or invented to serve specific purposes, on both sides of the argument.

‘Asian values’ were codified and promoted in Bangkok Declaration of 1993, under the guidance of Mahathir Mohamad and Lee Kuan Yew. The declaration was adopted by an assortment of Asian states, intergovernmental organizations, and human rights institutions at a conference held in Bangkok prior to the World Conference on Human Rights, which took place in Vienna, Austria later in 1993. The declaration aimed to reaffirm the included states’ commitment to the principles of the United Nations Charter and the Universal Declaration of Human Rights, while also re-emphasizing the principles of sovereignty, self-determination, and non-interference in civil and political rights.\textsuperscript{80} The declaration offered a critique of the human rights

\textsuperscript{79} Sen, 11.
universalism, defended the protection of state sovereignty, emphasized loyalty and respect towards figures of authority, and exhibited a preference for collectivism and communitarianism. All four of these concepts are also features of the ‘Asian values’ argument, and will be returned to in later chapters on the potential for the defensible operationalization of the Belt and Road Initiative. China was not noticeably active in crafting or promoting the declaration, but was one of the 34 participant nations at the regional meeting for Asia of the World Conference on Human Rights, where the declaration was made.

The Bangkok Declaration of 1993 was considered a landmark step in the establishment of the ‘Asian values’ theory, partially because of the united critique of human rights universalism made by the participating Asian countries. This is notable because one of the major criticisms of the ‘Asian values’ theory is of the generalizable nature of the term. With the ‘Asian values’ debate at the time of the Bangkok Declaration, ASEAN countries, as a key grouping of states that provided regional consciousness demonstrated a united consistency in their acceptance of dictatorships and authoritarianism. This consistency can be categorized as somewhat positive, considering the more arbitrary acceptance or rejection by some Western nations such as the United States of dictatorships or human rights violations. However, the potential truth to this flaw in the foreign policies of Western powers does not allow one to forgo the historical scrutiny necessary to give to a justification for authoritarian governance in Asia based on the generalization across a diversity of cultures and backgrounds. Thus, ‘Asian values’ undervalues the influence of the

81 Ibid.
82 Barr, 27.
process of development and globalization on heightening standards, or at least heightened awareness, for international political behavior. Even when Lee Kuan Yew first introduced the term ‘Asian values’ in 1977 at a conference on “Asian Values and Modernization,” the term was criticized for its inappropriateness based on the diversity among Asian cultures and the emphasis on conservative values that seemed to hold back modernization.83 Lee’s response to this sustained criticism was generally to point to the success of the Singapore economic system and highlight the traditional family values found in all Asian societies.84 However, Lee himself distanced himself from the term ‘Asian values’ in 1999 when he denied he ever used it because of indefensibility of the statement that there is a set of values “that is intrinsic and specific to the whole of Asia.”85

Additionally, as Zakaria pointed out in 1994 when he interviewed Lee Kuan Yew, the assertion that culture is destiny does not explain a culture’s failure and one era and success in another, nor does it explain the lack of evidence to be provided for the argument that the political systems of the East and West need to be inherently different.86 The dichotomy between East and West that is essential to the justification of ‘Asian values’ highlights the problem of generalization on both sides of this argument. Furthermore, global modernization is inextricable with the precedent for modernization set by Western countries, so Lee’s ‘Asian values’ argument cannot rest on a purely Asian development model. At the same time, the dichotomy between the

83 Ibid., 31.
84 Ibid., 34.
85 Ibid., 1.
86 Zakaria, 125.
East and West is both essential to and a weakness of the justification for a culture-based state autonomy argument.

There is prejudice on both sides about solutions to problems of economic and technological modernization misconceived as conflicts between East and West. For example, in 1998 Josiane Cauquelin, Paul Lim, and Brigit Mayer-König claimed that the crucial question asked of ‘Asian values’ should be how are traditional values and cultures “modified by modern developments, for example, under the impact of market forces, the consumer culture, and Westernization.” While the editors acknowledge the diversity of Asian countries, they still ask the question of “what is meant by ‘value in Asia?’” with the assumption that there is a conflict of values between East and West. The generalization of cultural conflict is a limiting factor in the ‘Asian values’ debate. It does not limit, however, either the economic failures of the proponents and supporters of the debate, mostly in Southeast Asia, or the potential for the four essential features of the 1993 Bangkok Declaration identified above to provide the structure for a more defensible platform for development as part of the BRI.

**The 1997 Asian Financial Crisis and the Decline of the ‘Asian Values’ Debate**

The ‘Asian values’ debate lost steam at the end of the 20th century, not just because of the major criticisms of its generalizations and protections for authoritarian dictators, but also because, after the 1997 Asian financial crisis, it was generally

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87 De Bary, 9.
accepted that the argument provided no structure of law that protected developing Asian countries from economic crisis. The economic success of Asian countries such as Singapore starting in 1960 and Indonesia starting in 1970, until the Asian financial crisis, informs the common late-20th century analysis of regional economic growth centered on questions about the relationship between authoritarian success and economic growth.\textsuperscript{89} The success of these countries countered the notion that democracy was required for successful economic development, although the 1997 Asian financial crisis certainly challenged this new narrative.

Furthermore, essential to the ‘Asian values’ debate was the idea that a disciplined, harmonious society is related to economic success.\textsuperscript{90} However, the emphasis on culture by the proponents of the debate, such as Lee Kuan Yew, minimizes the economic policies and authoritarian planning of the economic development of states such as Singapore and Malaysia. China, Korea, Japan, and Taiwan that could be put on a continuum “ranging from a pure capitalist market economy to a centrally planned socialist economy.”\textsuperscript{91} One scholar argued in 1992 that there was significant diversity in economic policies in practices in East Asian countries, and yet the economic development of East Asia at the end of the 20th century is still considered as one “East Asian development miracle” for the purpose of the ‘Asian values’ debate.\textsuperscript{92} Somewhat in contrast, a 1993 World Bank policy

\textsuperscript{90} Ibid.
research report asserted that the economic growth in eight “high-performing Asian economies,” Hong Kong, Indonesia, Japan, Malaysia, the Republic of Korea, Singapore, Taiwan, and Thailand, was due to careful state intervention and the targeting of key industries for development, rather than to expressions of cultural identities, thus establishing an alternative development viewpoint than that of the ‘Asian values’ debate.  

In spite of varying political and economic systems, the impact of the 1997 Asian financial crisis was felt across Asia, and contributed to the downfall of the ‘Asian values’ debate. This is not evidence for a shared cultural cause of collapse, but rather a reason to reemphasize the policy and planning that supported economic growth in the region. In July of 1997, the Thai economy began to breakdown when the Bank of Thailand devalued the baht. By the end of August of the same year, Malaysia, Indonesia, and the Philippines had devalued their currencies as well. This, in turn, put pressure on the currencies of Taiwan and Singapore, and then Hong Kong. The depreciation of the Taiwan dollar exposed the vulnerability of South Korea as Taiwan’s close competitor. In 1998, Indonesia, Korea, Malaysia, the Philippines, Thailand, Hong Kong, and Japan all had negative changes in their GDP, as opposed to positive growth during 1996 and 1997. The ensuing fall in output of most of East Asia’s economies was accompanied by massive job losses, which,

95 Ibid., 1.
96 Ibid., 2.
97 Ibid., 3.
98 Ibid., 4.
combined with rising inflation “and the absence of a meaningful social safety-net system, pushed large numbers of displaced workers and their families into poverty.”99 These events are important to the question of ‘Asian values’ because the region’s downfall has been referred to as “the dark underside to ‘Asian values.’”100

In 2003, Shalendra D. Sharma argued that the economic attitudes and policies of East Asian countries at the end of the 20th century led to a situation where “the lack of transparency in economic management, besides fostering moral hazard in the form of expectation of government guarantees to politically connected lending, also resulted in the fatal mis-allocation of investment, falling returns to investment and growing fragility in the financial system.”101 Asian countries mostly recovered from the financial crisis by 1999, primarily because of domestic and IMF-inspired monetary and fiscal policy.102 However, the ‘Asian values’ debate never recovered. The financial crisis had irrevocably exposed the fragility of some of the governments and their relationships with their economies, including Lee Kuan Yew’s Singapore, and Mohamed Mahathir’s Malaysia.103 The question remains, however, in what ways parts of the ethos of the debate, in terms of both culture and state autonomy, have been reflected in more recent initiatives, or, as articulated at the beginning of the chapter, what can the pillars, execution, and failures of the ‘Asian values’ thesis teach

99 Ibid., 5.
100 Ibid., 25.
101 Ibid., 25.
102 Tracey K. Rousseau, "The Rise and Fall of the Asian Way Debate? Clash, Convergence, and Social Values," PhD. diss., Dalhousie University, 1999, 256. It is not unimportant that the IMF had put itself at the heart of the Asian financial crisis amidst the “cronyism and nepotism and chaos” with bailouts for Indonesia, Thailand, and South Korea. International organizations like Oxfam and Human Rights Watch were on the other side of the discussion with concerns about the effects of IMF packages.
us about assessing the potential justification of the Belt and Road Initiative as a modern development initiative.

**China, the Belt and Road Initiative, and a Partial Parallel With ‘Asian Values’**

There are lessons to be learned from the emergence and ultimate end to the ‘Asian values’ debate, which can be applied to contemporary considerations of China’s justification for the Belt and Road Initiative, as well as their other social, cultural, and political initiatives. At its core, whether or not the theory succeeded in proving a notable Asian emphasis on strong government and strong family, it is useful as a way to categorize an argument for state autonomy in international affairs because of the time in the process of global development in which it emerged. In 1999, Tracey Katherine Rousseau argued in a philosophy dissertation that the ‘Asian values’ debate shows that analysis of the Asia Pacific must be approached differently, writing, “it must stress differentiation among actors, the impact of global environment, and the more specific examination of particular cultural traditions.”¹⁰⁴ Rousseau goes on to emphasize the importance of moving away from an approach to ‘Asian state’ policies, towards “attention to political commonalities and divergences among different governances.”¹⁰⁵ In her argument, Rousseau attempts to challenge the unspecialized way in which collective analysis of a group of states that make up a region occurs. The spirit of bilateral cooperation based on regional trust can be promoted within Asia without violating state autonomy and interests.

¹⁰⁴ Rousseau, v.
¹⁰⁵ Ibid., 262.
Unlike the ‘Asian values’ argument, the Belt and Road Initiative does not represent an ideological system through which specific countries can separate themselves from the West. While, the Initiative does connect to a system of values promoted by the CCP during the first two decades of the 21st century, it does not totally represent or overlap with the major campaigns by the CCP to support socialism with Chinese characteristics. As noted above, domestically, a key part of party messaging in the era of Xi Jinping has been the re-emphasis of CCP leadership and confidence in social and political progress through the broad dissemination of China’s 12 “Core Socialist Values.” According to Michael Gow, an examination of the Core Socialist Values are key to understanding how the CCP “is expanding its appeal to resonate with the people over whom it wishes to exert its dominance.”

The values, which include patriotism, freedom, equality, justice, dedication, integrity, and friendship, are primarily directed at Chinese citizens through curriculum and national media in an attempt to shape the national consciousness, however, the promotion of core socialist values is also included in media directed externally as part of the strengthening of China’s soft power.

There are some overlapping qualities with the generalized ‘East Asian’ tradition emphasized in the ‘Asian values’ argument, specifically, harmony and friendship. However, the importance of the connection between ‘Asian values,’ China’s socialist values, and the Belt and Road Initiative is whether or not the BRI is cultural or not as a Confucian or socialist or “Asian” institution, but rather that there can be different models for development than

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incorporate political, economic, historical, and cultural expectations for international governance by protecting state sovereignty.

The messaging of the “Chinese Dream,” a term popularized in China after 2013, is perhaps an example for China of a modern manifestation of an ideology that is relatively consistent with the ‘Asian values’ rhetoric, thus emphasizing the connection between the exportation of a Chinese development model and the positive protections of the ‘Asian values’ thesis. According to a writer for China Daily in 2013, the “Chinese Dream” umbrella of discourse includes all collective and individual positive psychology aimed at seeking “economic prosperity, national renewal and people’s well-being.”

In a 2013 meeting with Barack Obama, Xi Jinping stated, “The Chinese dream is about cooperation, development, peace and win-win, and it is connected to the American dream and the beautiful dreams people in other countries may have.” This campaign is intentionally malleable to many ideologies because of the broad power of its application, both inside and outside of China. The vague and broad nature of the “Chinese Dream” rhetoric is similar to the vague and broad strategy of spreading positive messaging about the Belt and Road Initiative. It is interesting, again, the overlap between ‘Asian values’ and modern Chinese messaging such as that found within BRI rhetoric and also within the idea of the “Chinese Dream” as well as modern usage of the notion of “all under heaven” (tianxia, 天下). Within the scope of this project, however, the key importance of the ‘Asian values’ debate to the Belt and Road Initiative is therefore the ways in which

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109 Ibid.
the Initiative claims to protect state autonomy and contains rhetoric that could be integrated into an alternative model for economic development.

Ultimately, the debate happening now over the Belt and Road Initiative is not just a reprise of the ‘Asian values’ debate from 30 years ago. For one, the implications of the Belt and Road as reflective of ‘Asian values’ are much bigger than anything Lee Kuan Yew might have attempted to do outside of Singapore at the end of the twentieth century because the impact is much broader as a function of the number of countries connected and its status as an international economic initiative.

In an October 2018 article written for NPR entitled “China Unbound: What an Emboldened China means for the World,” William Dobson asserted, “China has long considered criticism of its human rights record or foreign policy as an invasion of its sovereignty, as illegitimate interference in its internal affairs.” However, as another NPR journalist wrote in 2018, “when it comes to understanding today’s China, history is an imperfect guide. Neat parallels with the past aren’t possible.” While this conception of history is not necessarily groundbreaking or profound, the acknowledgment that certain aspects of China’s present are completely without historical precedent seems important.

Consequently, the ‘Asian values’ debate, specifically the protection of state sovereignty to support development and the critique of human rights universalism that arose out of the discussion, is not central to BRI discourse, but it is related. The cultural defense for state autonomy is weaker because of the lack of empirical

evidence for values unique to a region and the way in which culture can be reconstructed according to political needs. Furthermore, while the ‘Asian values’ discourse has disappeared, there are other important theories and pieces to the puzzle of inclusive and successful development, notably the human right to development, that further clarify the potential of the Belt and Road Initiative. Therefore, it is not yet clear, without the contextualization of the human right to development discourse as a relatively more institutionalized, whether or not the ‘Asian values’ thesis should be discarded from this discussion of China’s justification for the Belt and Road Initiative, or if it essentially supports their economic, political, and social development aims and could be the precursor to the defensible operationalization of the BRI rhetoric.
Chapter 3: The Human Right to Development

China’s Contribution to the Human Rights Discourse and the Potential of the BRI’s Development Claim

The human right to development represents a similar response to questions of state sovereignty and its relationship to international governance as the ‘Asian values’ thesis. Therefore, the RTD can similarly be used as a way to assess the development-related values within features of the BRI. The use of the human right to development rhetoric in official Chinese statements illustrates the dual foundation of China’s contemporary ideology of both adaptation and cooperation. Consequently, there are several key features of the Belt and Road Initiative that can be analyzed in the context of the human right to development in order to measure the defensible operationalization of the Initiative. Furthermore, unlike the ‘Asian values’ thesis, the right to development has not disappeared from discussions of international governance. The questions this chapter seeks to address are what can be learned from efforts to implement the RTD into international governance and what is the relationship between the Belt and Road Initiative’s development-related claims and the RTD, if any. The process through which the RTD has been implemented, arguably both successfully and unsuccessfully, illustrates the connection between actions taken by countries like China to reshape international and regional norms of development and cooperation and broader discussions of the international economic and governance orders, especially regarding state autonomy and free trade.
Introduction to the Human Right to Development

On December 4, 1986, the UN General Assembly officially adopted the United Nations Declaration on the Right to Development (UNDRTD), which proclaims that “every person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully developed.”112 The declaration recognizes the comprehensive economic, social, cultural and political nature of the process of development and therefore aims to improve the well-being of all individuals on the basis of “their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.”113

The UNDRTD, and the broader conversation of the human right to development, was released within the context of two important major shifts in global affairs that occurred in the twentieth century: decolonization and the end of the Cold War. Decolonization is crucial to the discussion of the human right to development because the convergence of human rights and development had only started to emerge following the political process of decolonization.114 In 2016, Karin Arts and Atabongawung Tamo called the UNDRTD “a major formal breakthrough in North-South relations, especially for the ‘developing’ country members of the UN.”115 Newly independent states, especially African states, articulated the right to

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113 Ibid.
115 Ibid., 224.
development as a “necessary companion of their newly acquired political
emancipation.”\textsuperscript{116} Article 4 of the UNDRTD states:

> Sustained action is required to promote more rapid development of
developing countries. As a complement to the efforts of developing
countries, effective international co-operation is essential in providing
these countries with appropriate means and facilities to foster their
competitive development.\textsuperscript{117}

Decolonization did not just represent the transfer of power from the colonizers to the
leaders of the colonial liberation movements in the 70 countries which gained
independence between 1945 and 1975.\textsuperscript{118} As Daniel Roger Maul argued in a 2012
book written for and on the International Labor Organization, the material and
intellectual engagement with the economic, social and cultural legacy of the colonial
era is an ongoing project for all involved and is “a process which to some degree
transcends the distinction between a colonial past and a post-colonial present.”\textsuperscript{119} This
idea reflects the challenge implicit in the UNDRTD of the economic and political
power imbalances that shape countries’ ability or willingness to support “sustained
action” for the rapid development of other nations.

The fall of the Soviet Union is also important for situating the discussion of
the human right to development, as well as the broader conversation of China’s
support for development with the Belt and Road Initiative and China’s impact on
international politics. Steven Levitsky and Lucan Way, in their essay “Linkage versus
Leverage. Rethinking the International International Dimension of Regime Change,”

\textsuperscript{116} Ibid., 224.
\textsuperscript{117} “Declaration on the Right to Development.”
\textsuperscript{118} Daniel Roger Maul, \textit{Human rights, Development and Decolonization : The International Labour
\textsuperscript{119} Ibid., 1.
characterize the post-Cold War international environment and democratization saying “the post-cold-war realignment encouraged the diffusion of formal democratic institutions, as the disappearance of internationally legitimate regime alternatives, combined with the West’s unparalleled military and economic power, induced elites throughout the developing world to adopt western-style institutions.” However, the democratizing impact of the post-Cold War international environment has varied across regions, partially contingent upon geographic and cultural proximity. While the dominant discourse in international politics in the 1990s may have been that of modernization theory and inevitable universal democratization, there has not been universal democratization and there is not a universal consensus on the relationship between human rights, democracy, and development.

Within this context, the 1993 World Conference on Human Rights in Vienna was a key moment for human rights in United Nations History. For many, the end of the Cold War represented the end of the ideological competition between East and West which had long distorted United Nations processes. The defining feature of the Vienna Conference was therefore the opportunity to address the ideological confrontation over human rights through the question “how can a common commitment to a single standard of human rights help transform relations between the developed minority world and the developing majority world?” The end of the Cold War represents a turning point for the indivisibility and interdependence of

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121 Ibid., 382.
123 Ibid., 80.
rights because of the acknowledged challenge of protecting the inalienable right to development of all people. However, in the post-Cold War international environment, there remains the “fundamental dispute over the global economic order, over the role of agencies linked but not controlled by the United Nations, the World Bank and International Monetary Fund, and the pursuit of free market ideology.”

Recognition of the enlarged human rights agenda after the World Conference in Vienna in 1993 necessitates the question of whether or not “governments have the will to meet the true costs” of that agenda.

In its contemporary form, the human right to development is most often referenced as an ongoing debate between the ‘developed’ countries of the North and the ‘developing’ countries in the South. One part of this debate has been the refusal on the part of developed countries to interpret the right to development as the right of developing countries to receive development assistance from developed countries.

In 2013, the Office of the Navi Pillay, the High Commissioner for Human Rights in the UN released a compilation of essays called Realizing the Right to Development in commemoration of 25 years of the UNDRTD. In the thirty years since the Vienna Conference and the UNDRTD, Pillay asserts, “our institutions of governance, at both the global and national levels, have been at best negligent, and at times complicit” in the onslaught of merciless suffering and “devastating effects of the many global crises of our age.”

Pillay goes on to acknowledge that “the ideological edifices of the

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124 Ibid., 90.
125 Ibid., 93.
126 Arts and Tamo, 224.
dominant economic models of the nineteenth and twentieth centuries are crumbling under the weight of the realities of the twenty-first,” exemplified by growing inequalities, systemic deprivation, environmental degradation, and social unrest that require a mobilized citizenry and accountable and democratic economic and political under the rule of law at both the national and international levels.\textsuperscript{128} Pillay states that all of this is consistent with the actions of people across the world who “are demanding a human rights-based approach to economic policy and development, with the right to development at its centre.”\textsuperscript{129} However, this concept of the universal demand for human rights illustrates some of the controversy inherent to emphasizing the human right to development within the discussion of human rights. One problematic assumption is that the whole world now has the same human rights mission.\textsuperscript{130}

**Human Right to Development in the Broader Human Rights Discourse**

The emergence of the human right to development provides insight into how countries that developed later, after the establishment of key international governance institutions, have pressured the international community and tried to reshape international governance norms. In 1948, the UN General Assembly adopted the Universal Declaration of Human Rights, recognizing “the inherent dignity and inalienable rights of all members of the human family” as “the foundation of freedom, justice and peace in the world.”\textsuperscript{131} The classical paradigm of human rights before the

\textsuperscript{128} Ibid. \textit{v.}  
\textsuperscript{129} Ibid. \textit{v.}  
\textsuperscript{130} Boyle, 79.  
\textsuperscript{131} “Universal Declaration of Human Rights,” UN General Assembly, December 10, 1948, 217.
1960s when the human right to development first emerged, was inherently individualistic.\textsuperscript{132} In contrast, as Olav Stokke noted, the right to development emerged from more determined and self-confident postures by Third World governments, demanding a new international economic order, that will correct the asymmetrical relationship between the developed and developing countries.\textsuperscript{133} Esteemed Senegalese lawyer Kéba M’baye, is often attributed with making the first attempt at formulating the right to development in 1972.\textsuperscript{134} Then, in 1977, Czech jurist Karel Vasak classified human rights into three “generations.” First-generation human rights are civil and political rights of the individual and include the right to life, equality before the law, freedom of speech, the right to a fair trial, freedom of religion, and voting rights.\textsuperscript{135} Second-generation human rights are economic, social, and cultural rights that are also individual in nature but represent the duty of a government to respect, promote, and fulfill them. These might include rights to food, housing and health care, as well as a right to be employed in just and favorable conditions. Both first- and second-generation human rights were covered by the Universal Declaration of Human Rights, as well as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights which were adopted in 1966 and became international law in 1976.\textsuperscript{136}

\textsuperscript{132} Arts and Tamo, 224.
\textsuperscript{133} Olav Stokke, \textit{The UN and Development: From Aid to Cooperation} (Bloomington: Indiana University Press, 2009), 7-10.
\textsuperscript{134} Arts and Tamo, 225.
The third-generation human rights are less explicitly codified in UN documents and are the collective-developmental rights of peoples and groups. Vasak’s conception of human rights is founded on ideas of “natural law” and individual and collective rights that come from Locke and Marx, among others.137 The right to development represents a collective or group right, rather than an individual right. At the international level, Vasak highlights both the economic and social causes for the emergence of the notion of human rights for individuals through the discussion of religious equality in the Covenant of the League of Nations, as well as the emergence of the notion of protection of minorities based upon ideas of collective rights institutionalized by the League of Nations.138 He argues that he right to development was developed as both a collective and individual notion because it was positioned through ‘every human person’ and ‘all peoples’ as holders of the right in the Declaration.139 While there are criticisms that have arisen about the inapplicability of Vasak’s generations of human rights argument to international law because of its historical inaccuracy, the framework is useful as a way to consider the

137 Karel Vasak (ed.), The International Dimensions of Human Rights (Paris: Unesco, 1982), 21. Although Marx is a critic of “natural rights” he still serves as a source for Vasak by clarifying the relationship between the rights of the citizen and the rights of man. Marx concluded in “On the Jewish Question” that “the rights of the citizen are neither absolute nor unconditional, they are not granted to man everywhere and at every moment: they are not innate rights.” Vasak goes on to assert based on this view that the rights of the citizen are subordinate to the rights of man and that throughout social, political, and ideological development, this hierarchy of the existence of the rights of man and of the citizen has become blurred. He says, “the problem of human rights has been entirely reduced to the question of the simple relationship between two branches of law, a relationship in which constitutional law seems to be subordinate to international law.” Furthermore, “international law has annexed part of the province of constitutional law which has ceased to be the monopoly of municipal law.” For the purpose of the argument of this thesis about the relationship between the RTD and the BRI, both Marx’s and Vasak’s contributions to the development of distinct generations of rights and a human right to development reflect dynamics between the individual and the group.

138 Ibid., 21.

state’s role in protecting individual and collective rights at various stages of economic
development.\textsuperscript{140}

It is important to note that while the human right to development provides
another dimension to rhetoric of human rights, it does not escape all of the criticisms
of the broader human rights discourse. Noted critics of post-colonialism, such as
Harri Englund, Frantz Fanon, and Lila Abu-Lughod have highlighted issues of
colonial legacies, westernization of rights, capitalization of rights, and biased
conceptions of freedom in challenging the framework of human rights supported by
the United Nations and globalized governance agreements. Harri Englund argued in
2006 that efforts by elite Westerners to control democratization actually hamper the
process through which the necessary application of guilt and debt is interwoven with
humanitarian aid efforts.\textsuperscript{141} Englund’s understanding of governance, similar to
thinkers such as Foucault, is that human rights discourse is instrumental in the process
of governmentality, which is how activists are able to use money to mold the
behavior of authorities and populations.\textsuperscript{142} The concept of a state of exception is
essential to Englund’s understanding of governmentality. Using human rights
discourse, governments change standards of behavior by redefining the conditions of
governance in “extreme” crises or circumstances. Furthermore, Englund highlights
the difference between the promise of a permanent condition of freedom promised by
neoliberal rhetoric and the actual precarious and discontinuous reality of freedom,

\textsuperscript{142} Ibid., 39-46.
which is one way to critique the human rights discourse which emphasizes individual freedoms rather than the actual problems of debt, obligation, and entitlement within the realm of human rights. The question of humanitarianism, seen from this perspective, is interesting to consider in the context of the BRI given the tone of magnanimity found in official statements about the goals of the BRI, but also because of the nuance required in evaluating individual, community, national, regional, and international needs and rights revealed by BRI activity.

Another important critique of human rights discourse focuses on the legacy of colonialism inherent in human rights. Frantz Fanon, a psychiatrist from the Martinique who is noted for his work in post-colonial studies, critical theory, and Marxism, provides a useful critique, identifying the legacy of colonialism and oppression that can be viewed in the imperialist tendency to teach and mold the slave-master relationship.\textsuperscript{143} Fanon’s usefulness is specifically found in what American anthropologist Lila Abu-Lughod described in 2013 as the governmentalization of rights.\textsuperscript{144} The legacy of colonialism in its contemporary form is found in the social institutions and imaginative frameworks of global NGOs and governance organizations which reinforce existing political-economic relationships after the end of colonization during the 20th century.\textsuperscript{145} Fanon’s critique provides a foundation on

\textsuperscript{143} Frantz Fanon, \textit{The Wretched of the Earth} (New York: Grove Press, 1963), 5.
\textsuperscript{145} Ibid., 170. It is important to note that Fanon and Abu-Lughod’s scholarly interaction which supports my conclusion above was centered around the question of women’s rights and the role of women in promoting or challenging human rights discourse in specific developing countries. In using these theorists to discuss human rights more broadly, I do not intend to assume the same challenges face all people in developing countries across time, but rather hope that the framework promoted by Fanon, Abu-Lughod, Englund, and others can be considered as a way to begin to critique China’s relationship with the human rights discourse and, more specifically, the human right to development.
which to challenge blanket statements about the way in which many BRI participants lack commitment to transparency and accountability regarding the financial and social implications of BRI agreements. The foundation of the BRI, while lacking norms of transparency and accountability, is perhaps more responsive to the myriad forces that impact all the member states because it offers a partial alternative to relying on Western-based institutions, while still remaining tied to international human rights norms in their somewhat flawed forms.\footnote{Sophie Richardson and Hugh Williamson, “China: One Belt, One Road, Lots of Obligations,” Human Rights Watch, May 12, 2017.}

However, some of China’s demonstrated ambitions through the BRI can be at least challenged as potentially colonialist in a contemporary form in a similar way to how the right to development can be critiqued as colonialist. In May of 2018, James A. Millward wrote an opinion article in the New York Times entitled “Is China a Colonial Power?”, in which he questioned the implications of the Belt and Road Initiative as a project with a “breathtaking” number and scale of projects.\footnote{James A. Millward, “Is China a Colonial Power?” New York Times, 2018.} Millward puts forth a question that is in some ways a different version of the question being asked in this paper; he wonders “Is China presenting a new model of development to a world that could use one, or is One Belt, One Road itself the new colonialism?”\footnote{Ibid.} Millward argues, “China’s pretty talk of development and cooperation sounds like cover for a strategic advance, and of course it is that. But besides investing financially in infrastructure, One Belt, One Road also invests China’s prestige in a globalist message that sounds all the right notes - peace, multicultural tolerance, mutual
prosperity - and that rhetoric sets standards by which to hold China accountable.”¹⁴⁹

One conclusion one might make from this assertion is that the postcolonial aspect of the Belt and Road Initiative combined with the Belt and Road rhetoric is one more reason to be distrustful of China’s motives and infrastructure initiatives. Before making this conclusion, however, the power dynamics associated with the actions that follow the language of peace and tolerance ought to be examined. In general, while the discussion above on the emergence of the human right to development has focused mainly on this right as a positive expansion of human rights, it still faces the challenges of governmentality and colonial legacy in its institutionalization at the global level.

More specifically, the rise of the human right to development within human rights discourse illustrates some of the failures of and conflicts within the UN and the inter-state governance systems. Criticisms of the United Nations that have arisen since the 1950s include administrative concerns about the protection of the strategic interests and political motives of the elite, permanent members of the United Nations Security Council (China, France, Russia, the United Kingdom, and the United States), as well as concerns about general philosophical globalism.¹⁵⁰ One key aspect of the Belt and Road Initiative specifically, that directly challenges the way in which international relationships have the potential to be formed in an era of globalization and modernization, are the bilateral relationships promoted by the Initiative. A key feature of the Initiative is the absence of a multilateral forum through which to

¹⁴⁹ Ibid.
organize and assess the progress, or even the meaning, of the Initiative from outside of China. Therefore, despite the shortcomings of human rights discourse, there seems to still be a need to challenge and the Belt and Road Initiative with the human right to development standard established by the United Nations. The dilemma of this discussion of human rights discourse and the potential connection between the BRI and human right to development is that there are problems inherent in the global conditions in which they both exist. There are flaws in the human rights discourse that needed to be critically examined, and underlying political motives to the Belt and Road Initiative that need to be acknowledged, but there also seems to be a need for China to with some of the norms of behavior established by the human rights developments of the past half century. However, this paradox does not disqualify China from making contributions to the way in which development, state autonomy, and human rights are conceptualized.

**China, the Human Right to Development, and the BRI’s Development Claim**

In 1991, China issued a White Paper entitled “Human Rights in China,” in which the State Council Information Office argued that the human rights situation of a country cannot be objectively observed if its relationship with the country’s history is divorced from the country’s condition.¹⁵¹ In 1994, Liu Nanlai, a professor at the Institute of Law in China, wrote an essay entitled “Developing Countries and Human Rights,” in which he argues that “different levels of economic development and the heritage of colonialism explain the differences between developing and developed

(i.e., Western) countries.\textsuperscript{152} Somewhat perversely, Liu does not disparage previous international human rights work, but rather defends the Universal Declaration of Human Rights (UDHR) as a universal project.\textsuperscript{153} Liu highlights the participation of developing countries and socialist countries in the adoption of the UDHR, as well as the necessity to acknowledge colonial legacy as a factor in self-determination, as part of a human rights perspective which emphasize the interests of the community and the state.\textsuperscript{154} While this comes from an academic, not from an official statement of the CCP, the amalgamation of the “Asian Values” thesis, the human right to development as a community ideal, and the universality of human rights in Liu’s essay suggests a deeper meaning or understanding in China’s behavior towards multilateral governance. Overall, the use of the human right to development in both official Chinese statements and scholarship on human rights exposes the dual foundation of China’s contemporary ideology on human rights of both adaptation and cooperation.

Consequently, there are several key features of the Belt and Road Initiative that can be analyzed in the context of the human right to development, and the next three sections will explore these features. On an ideological level, the claims of the Belt and Road rhetoric can be considered in the context of the RTD. On a more systematic level, the bilateral nature of BRI necessitates a consideration of the potential for a different way to meet holistic development goals, bilaterally or regionally, but also as a way for national development to produce more inequality or limit the development of different subsets of a national population. Also, both

\textsuperscript{153} Ibid., 397.
\textsuperscript{154} Ibid., 406.
ideologically and practically, it can be considered whether or not the strengths of the human right to development framework provide a useful way to conceptualize the operationalization of the BRI, or if the weaknesses of the human right to development help to understand similar weaknesses in the BRI framework. As with the ‘Asian Values’ thesis, it needs to be acknowledged that the BRI framework is not comparable to the concept of a human right to development as an ideological system, but does reflect a set of values, whether or not that set of values is meaningfully exhibited by the CCP in their comprehensive foreign and domestic policy. The connections between the BRI and the human right to development might help predict the BRI’s usefulness to various different communities of people, and the human right to development might help provide a standard through which to evaluate the BRI.

**BRI Championship of Third Generation Human Rights**

The BRI rhetoric, as espoused most directly by the “Vision and Actions” plan from 2015 emphasizes development-related values. When providing background on the Initiative, the document states, “Reflecting the common ideals and pursuit of human societies, it is a positive endeavor to seek new models of international cooperation and global governance, and will inject new positive energy into world peace and development.”155 The document is insistent that the Belt and Road Initiative is a “systematic project.”156 Efforts need to be made by the parties involved to engage in consultation “to meet the interests of all” and “integrate the development

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155 “Vision and Actions on Jointly Building Silk Road Economic Belt and 21st-Century Maritime Silk Road.”
156 Ibid.
strategies of the countries along the Belt and Road.” Specifically, the plan calls for the improvement of infrastructure, increased connectivity, enhanced trade and investment, maintenance of closer economic ties and deeper political trust, enhancement of cultural exchanges, and promotion of understanding, peace and friendship “among people of all countries.” In addition, there is overlap between the “Vision and Actions” plan and the recent contributions China has made to the international human rights framework. In 2017, the UN Human Rights Council adopted a resolution proposed by China entitled “The Contribution of Development to the Development of All Human Rights.” In 2017, Xinhua, China’s official state news agency, reported that this resolution is notable within the broader human rights conversation because it marks the first time that the UN rights body adopted a resolution on development issues. When considering the Chinese model for development and participation in a global economy, it is perhaps important to note that the CCP’s participation in global debates on things like trade and human rights reflects its messaging in other important party messaging, at least that which is broadcasted to the outside world.

The rhetorical overlap between the values promoted in RTD documents and in Belt and Road messaging is important because, as James Millward noted, BRI rhetoric “sets standards by which to hold China accountable.” China claims, through its messaging, to want to provide a structure through which the ideals of the

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157 Ibid.
159 Dan Tobin, “Where is China’s Foreign Policy Headed?“ ChinaFile, February 8, 2019.
160 Millward.
human right to development can be realized. China’s promotion in the “Vision and Actions” document of efforts to integrate development strategies of countries along the Belt and Road, address uneven global development, and “embrace the trend toward a multipolar world, economic globalization, cultural diversity and greater IT application,” is rhetorically vague but also represents potential areas in which regional or international bodies could assert development standards by which to measure BRI success or attempt to hold China accountable.\textsuperscript{161}

However, transparency is not one of the key values incorporated into Belt and Road rhetoric, which allows for dispute over the effectiveness or efficiency of China’s strategy to support the development of people in all nations through improved infrastructure, connectivity, and trade. Similarly, UN human rights resolutions have been challenged as a mechanism through which the UN General Assembly can address violations of human rights and make recommendations. In January 2015, members of the Universal Rights Group, Subhas Gujadhur and Toby Lamarque, published a policy report on “Ensuring Relevance, Driving Impact: The evolution and future direction of the UN Human Rights Council’s resolution system.” In their report, Gujadhur and Lamarque commented that although around 60% of Human Rights Council resolutions adopted each year call on all states or the international community to take some kind of action, “it is often difficult to assess how far these resolutions are being implemented because there is no systematic

\textsuperscript{161} “Vision and Actions on Jointly Building Silk Road Economic Belt and 21st-Century Maritime Silk Road.”
process of follow-up.” The BRI similarly has no official system ensuring Chinese or host country accountability, beyond the community of common interest that is supposed to manifest a community of responsibility.

Therefore, it is necessary to acknowledge the inherent vagueness in BRI rhetoric as an important caveat to its potential to support the human right to development. Despite the practicality of certain aspects of the BRI, like providing funding resources for infrastructure development projects and supporting think tanks to tackle various development issues in China and beyond, there is little concrete evidence in Belt and Road documents to support the claim that the BRI provides a useful update to the ways in which the Human Right to Development has attempted to provide support for global, national, and local development. In 2018, Ted Piccone from The Brookings Institution published an essay entitled “China’s Long Game on Human Rights at the United Nations.” Piccone argued that China’s recent more activist role on the U.N. Human Rights Council “stems from a two-part strategy that seeks to 1) block international criticism of its repressive human rights record, and 2) promote orthodox interpretations of national sovereignty and noninterference in internal affairs that weaken international norms of human rights, transparency, and accountability.”

Piccone argues that such innocuous language as that used within the Belt and Road Initiative and key phrases such as “socialism with Chinese

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characteristics” actively reinforce “orthodox interpretations of principles of national sovereignty and nonintervention in internal affairs” which undermine the legitimacy of international mechanisms to monitor human rights by manipulating China’s growing leverage. However, although China has power in the UN Human Rights Council and over many of the host countries involved in the BRI, economic connectivity to countries such as the United States might serve to mitigate adverse effects of China’s promotion of their own autonomy, without also addressing issues of accountability and transparency. Furthermore, even if the BRI does not at this moment provide enough structure to support the human right to development as it was supported by the UN, that does not mean that BRI rhetoric does not provide avenues to challenge China’s repressive human rights record in the future or ameliorate some of the vagueness in BRI rhetoric. However, an extension to the BRI of the claim above about China’s strategy to weaken international norms of transparency and accountability is not necessarily challenged by the bilateral nature of BRI agreements or the overall operationalization of the Initiative thus far.

Bilateral Protections For or Against the Human Right to Development

Two of the starkest realities of the Belt and Road Initiative, as it has been implemented so far, have been debt crises and the lack of transparency about the agreements between China and some host country governments that has allowed for the proliferation of corruption in some host countries and has allowed China to come off as taking advantage of weaker nations. Within Asia alone, Cambodia and Sri

\[165\] Ibid., 7.
Lanka provide examples of the severity of the “China debt trap” exacerbated in the name of BRI development. Cambodia is one of China’s closest diplomatic allies, and the Cambodian Prime Minister Hun Sen has described China as Cambodia’s “most trustworthy friend.” In addition, China is Cambodia’s largest provider of development aid and foreign investments, “having given about US$3 billion in concessional loans and grants to Cambodia since 1992.” While Cambodia’s external multilateral public debt is around US$1.6 billion, a 2016 IMF report showed that its bilateral public debt with China is US$3.9 billion, 80% of which is owned by China. Sri Lanka has borrowed billions of dollars from China since 1971 and it is arguable that China has positively contributed to Sri Lanka’s economic growth. However, Sri Lanka’s economic engagement with China is growing and US$8 billion of Sri Lanka’s US$64.9 billion estimated national debt is owed to China. With many BRI partner countries, China has implemented high interest rates on Chinese loans, and for Sri Lanka specifically, slow economic growth has meant that it is unable to pay off its debt to China. The Hambantota port project in Sri Lanka has been especially problematic; Sri Lanka borrowed $301 million from China, with an interest rate of 6.3% as compared to the interest rates on soft loans from the World Bank and the ADB which are usually between 0.25% and 3%.

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166 Veasna Var and Sovinda Po, “Cambodia, Sri Lanka and the China debt trap,” Asia Times, March 27, 2017.
167 Ibid.
168 Ibid.
169 Ibid.
170 Ibid.
172 Var and Po.
Sri Lankan government agreed to turn debt into equity, and so Chinese firms have 80% of the total shares and a 99-year lease of Hambantota port.\footnote{The World Bank in Sri Lanka.}

Therefore, there are some crucial lessons for Cambodia and other countries still interested in the promise of BRI development to learn in order to escape the debt trap that Sri Lanka has fallen into. In a 2017 report for the East Asia Forum, Veasna Var and Sovinda Po identified legal contracts initiated by host countries like Cambodia, detailing terms and conditions of loans and aid in accordance with international standards, as well as the diversification of host country foreign policy to include other countries and regional initiatives like ASEAN and the Greater Mekong Subregion Economic Cooperation, as steps that host countries can take to benefit from the BRI framework for cooperation.\footnote{Ibid.}

In addition, part of the narrative of China’s bilateral agreement with host countries is the BRI positioning of China as just another developing country. By 2013 China had risen to be the second largest economy in the world, the third largest source of outbound foreign direct investment, and the owner of the largest foreign exchange reserve.\footnote{Michael M. Du, “China’s “One Belt, One Road” Initiative: Context, Focus, Institutions, and Implications,” \textit{Chinese Journal of Global Governance} 2, no. 1 (2016): 30.} Despite the juxtaposition of China and emerging economies in the global economy, the lateral positioning of China as a developing country with the Global South, rather than with the Global North in the values of the BRI illustrates the broad audience of BRI rhetoric.\footnote{Jing Tsu, “History and Context,” presentation, the 3rd Yale Symposium on the Impact of Chinese Overseas Investment: \textit{Greening the Belt and Road}, New Haven, Connecticut, January 25, 2019.} Furthermore, emerging economies arguably constitute “a rising force in the global arena,” although they lack comparable ability
to express their needs within the global governance system. Thus, as Michael Du argued, the BRI strategy “is not intended to make a fresh start, but to integrate the existing multilateral and bilateral mechanisms into a broader framework.”\(^{177}\)

While there are risks to bilateral trade, infrastructure, and financial agreements between China and host countries that have come to fruition, the bilateral BRI agreements between China and other governments also highlight geopolitical complications that color perceptions of the human right to development potential in the Belt and Road Initiative. To a certain extent, as Du argued, the operationality of the Initiative is not compatible with the “grandiose discourse” by Chinese authorities.\(^{178}\) None of the five tasks outlined in “Vision and Action” plan is straightforward or easy to accomplish.\(^{179}\) Policy coordination, facility connectivity, unimpeded trade, financial integration, and people-to-people bonds all require institution building, communication between governments, and, in the context of the human right to development, a way to reflect the development needs of individual people and communities, in addition to nations. Arguably a strength of the human right to development framework is its simultaneous identification of both collective and individual rights, that can be applied to local communities and governments. Therefore, while the BRI has not served as a structure through which to realize the human right to development thus far, the high number of countries, institutions, and interests necessarily involved might ensure both adherence to high standards that

\(^{177}\) Du.
\(^{178}\) Ibid.
\(^{179}\) Ibid.
comply with or even elevate international norms through the creation of norms and institutions that both support and rely on the human right to development.

**Operationalization of the Belt and Road Rhetoric**

The operationalization of the values of the Belt and Road, as they coexist with some of the positive outcomes of both the ‘Asian Values’ debate and the development of the human right to development discourse, thus seems to rely on international and regional accountability measures. Some argue that China is not interested in anything other than their own interests, by way of arguing that China is aggressively pursuing their own geopolitical goals with many individual BRI projects. However, what the human right to development discussion demonstrates is that as China expands both its involvement and influence outside of China, its actions are inextricably linked to broader discussions of the international economic and governance orders, with relation to state autonomy and free trade. The human right to development discussion demonstrates how the BRI relies on norms and institutions that have come out of the RTD. While China may not be interested in global hegemonic dominance over international governance, China has not yet through the Belt and Road Initiative provided assurance that its new idea for regional or international relationships will ensure the protection of specific rights for communities of people. The RTD does not really placate the complicated controversy over the potential for protection of rights or existing international norms within the Belt and Road Initiative framework. However, an investigation into the development of infrastructure and political relations with China in one BRI host country, Malaysia, helps to illustrate the way in
which the BRI relies on the foundation of values established with the ‘Asian values’
debate and the human right to development discourse, and also could promote the
positive aspects of the debates around the world if better systems of transparency and
accountability were put in place, not just by China but also by BRI recipient countries
and regional and international regulatory bodies.
Chapter 4: Malaysia

A Case Study of the Hidden Possibility of the BRI

Malaysia provides a useful case study through which to unpack different versions of BRI justification for several reasons. Many of the reasons why Malaysia is a good case study to attempt to understand the Belt and Road Initiative in Southeast Asia were articulated by Hong Liu and Guanie Lim in an essay published in an early 2019 in which they emphasized the significance of Malaysia’s response to BRI. Liu and Lim emphasized that Malaysia was one of the founding members of ASEAN, a multilateral platform for economic, political, security, military, educational, and sociocultural integration. In addition, Malaysia has long been China’s strategic ally; their bilateral relationship blossomed under successive Prime Ministers. This relationship, and the status of several significant BRI projects, has changed since Mahathir Mohamad was elected as Prime Minister again in May of 2018, but it can still be said that China and Malaysia are maintaining close diplomatic relationships and that the Malaysian case represents important dynamics between China and ASEAN member states. Furthermore, as James Chin identifies, “Malaysia’s ethnic Chinese minority (about 25% of the population) has long played a key role in advancing bi-lateral trade and investment, in spite of a state-sanctioned affirmative action policy limiting ethnic Chinese participation in various activities.”

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180 Liu and Lim, 217.
181 Ibid., 217.
operationalization of the Belt and Road Initiative. One can also add Malaysia’s proximity to the ‘Asian values’ debate to Liu and Lim’s list of reasons why Malaysia provides a useful lens through which to analyze the BRI.

The questions this chapter seeks to address are what is Malaysia’s relationship to ‘Asian values’ and the RTD and what impact does it have on the BRI, what role does regionalism play in Malaysia’s relationship with the BRI, and what do the bilateral agreements made between China and Malaysia demonstrate about how the BRI has changed and could change to provide a platform for global economic and political development. Ultimately, Malaysia reveals the hidden possibility in the Belt and Road Initiative; it is an active player in one of the regions directly targeted by the BRI for strategic geopolitical reasons, but also highlights many of the changes that are being made to morph the BRI into a more balanced, transparent, and accountable system for development. Malaysia thus illustrates many of the important nuances in the significance of the Belt and Road Initiative as a platform for collaboration proposed by China for the rest of the world.

**Malaysia and Mahathir**

Malaysia, located in Southeast Asia, is the 43rd largest country in the world, with a population roughly the size of Venezuela and Uzbekistan, and an economy roughly the size of the Netherlands and Argentina.183 Similar to China, the economic landscape of Malaysia has vastly changed from 40 years ago when the two countries

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established diplomatic relations with each other.\textsuperscript{184} Malaysia achieved independence from Britain in 1957, at the end of a communist insurgency referred to as the “Malayan Emergency,” which began in 1948 and lasted until 1960. The term “Malayan Emergency” originated from the colonial government; the Malayan National Liberation Army, the military arm of the Malayan Communist Party, called the insurgency the Anti-British National Liberation War.\textsuperscript{185} In 1967, communist leader Chin Peng renewed the insurgency against the Malaysian government in a second phase which lasted until 1989. In 1981, Mahathir bin Mohamad became the fourth prime minister of Malaysia, and the first non-aristocrat to hold that office.\textsuperscript{186} He served for 22 years and is remembered for his authoritarian style and economic success.

According to Freedom House statistics, Malaysia is classified as “partly free.” Although they hold regular elections, it has been ruled by almost the same political coalition since independence in 1957.\textsuperscript{187} Early in 2018, Freedom House reported, “Despite a vibrant political opposition, the ruling coalition has maintained power by manipulating electoral districts, appealing to ethnic nationalism, and suppressing criticism through restrictive speech laws and politicized prosecutions of opposition leaders.”\textsuperscript{188} In May of 2018, Mahathir Mohamad, one of the founding proponents of the Asian Values debate, was re-elected to the office of Prime Minister, not as a

\textsuperscript{184} "The Economies of Malaysia and China: Then and Now." \textit{Star Online}, May 26, 2014.
\textsuperscript{187} "Freedom in the World: Malaysia." Freedom House.
\textsuperscript{188} Ibid.
member of his original party, Barisan Nasional, that was in power from 1957 to 2018, but rather as a member of the opposition party, Pakatan Harapan. The election of 93-year-old Mahathir as a member of the opposition party was referred to in May by the New York Times as “the greatest show of democracy this country has ever seen.”

However, although the recent election demonstrated a desire to eliminate corruption in the government, there are still doubts about what the historic victory of Mahathir and the Pakatan Harapan represents for the authoritarian nature of Malaysia’s government. Malaysia can be classified as a hybrid regime; a country that, as defined by Larry Diamond in 2002, exists in a political gray zone in between full-fledged democracy and outright dictatorship.

The election of Mahathir to the role of Prime Minister as a member of the opposition party in 2018 certainly has significance for the status of Malaysia’s democracy, but does not necessarily signify the end of Malaysia’s hybrid regime and the start of a period of liberal or even electoral democracy. This discussion on the classification of Malaysia’s government and Mahathir’s significance to Malaysia’s modern political history aims to contextualize the BRI as a political mechanism within Malaysia and Southeast Asia.

**Political Crises and Economic Development**

The significance of Mahathir’s decisions regarding the BRI is rooted in Malaysia’s durable authoritarian rule and Malaysia’s leadership in Southeast Asia. Looking back at the end of the 20th century, Malaysia’s authoritarian regime survived the severe economic crisis that brought down other regimes, such as Indonesia’s New

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Order.\textsuperscript{191} Malaysia’s authoritarian stability is an important hallmark of the country’s place in the world, economically and politically. In 2009 Thomas Pepinsky noted that there are a number of theories as to why the Malaysian regime has been able to withstand pressure for democratization. Many theorists seem to focus generally on Southeast Asia as a region, but two scholars, Dan Slater and Thomas B. Pepinsky have focused more on Malaysia’s own political situation in the context of its economic development and historical conditions. Pepinsky conceptualizes durable authoritarianism as a self-enforcing coalition in order to predict external vulnerability in Southeast Asia.\textsuperscript{192} Slater’s framework for conceptualizing Malaysia’s political development is focused on the relationship between contentious politics and regime stability amidst economic development in the post-colonial world. Slater emphasizes class conflict more than economic development to explain the strengthening of the state, but his overall challenge to theoretical expectations is useful in situating Malaysia as a case of domination with durable authoritarian rule.\textsuperscript{193} Pepinsky and Slater’s theory help unite the political and economic factors that have shaped the foreign policy interests that support modern participation or lack of participation in China’s Belt and Road Initiative.

Malaysia experienced remarkably consistent economic growth during the second half of the 20th century. Development policy in the 1970s involved the

\textsuperscript{191} Thomas B. Pepinsky, \textit{Economic Crises and the Breakdown of Authoritarian Regimes: Indonesia and Malaysia in Comparative Perspective} (New York: Cambridge University Press, 2009), 192.
replacement of laissez-faire policies with greater state intervention in public resource allocation and public sector control of business enterprises. This caused capital flight by Chinese businessmen who dominated the private sector, which was offset by growing public investments and foreign direct investment in export-oriented industries. In 1981, Mahathir Mohamad took over as Prime Minister of Malaysia, and set about transforming Malaysia into a newly industrializing country (NIC). Mahathir’s major development policy innovations include the ‘Look East’ policy, his labour policy, the ‘Malaysia Incorporated’ policy, the privatization policy, ‘Vision 2020’, and the policy responses to the 1997-1998 crisis, among others. During the first part of his regime, from 1981 to 1985, Mahathir was concerned with creating new roles for the state. This involved the ‘Look East’ policy, defined in terms of new work ethics, labor discipline, and greater productivity, as well as heavy industrialization. The second part of Mahathir’s regime, from 1986 to 1997, represented a key turning point for government policy and was focused on inducing private investment. The third period of Mahathir’s regime was focused on economic recovery from the 1997 Asian Financial Crisis. In a 2008 essay Pepinsky identified that in Malaysia, “the Asian financial crisis was as much a political crisis as an economic one.” A decade of strong economic growth had come with structural

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195 Ibid., 17.
196 Ibid., 19.
197 Ibid., 20.
198 Ibid., 20.
199 Ibid., 33.
weaknesses that left Malaysia “vulnerable to the vagaries of investor confidence and cross-border capital movements.”

Politics has defined the process of economic recovery in Malaysia; Malaysia began recovering earlier than other countries in Southeast Asia and they adopted a successful stabilization package. However, the government therefore “escaped the tough economic reforms that could have promoted more healthy long-term growth.” The same structural weaknesses that made Malaysia vulnerable to the Asian financial crisis exist today, which helps to explain the high levels of corruption that resulted in the ousting of Najib Razak from the office of Prime Minister. Pepinsky argues that Malaysia’s political stability is the product of the regime’s economic adjustment policies, mostly the ones that occurred under the first rule of Mahathir Mohamad, however, he also demonstrates the link between economic and political performance in Malaysia. Malaysia’s economic growth has not fully recovered from the 1997 Asian Financial Crisis and the related collapse in private investment. Furthermore, Mahathir’s original development policies were criticized as lacking ethnic and regional balance, and the tensions between Malaysia’s majority Malay, minority Chinese, and other minority populations still exist.

201 Ibid., 231.
202 Ibid., 231.
203 Pepinsky, Economic Crises and the Breakdown of Authoritarian Regimes: Indonesia and Malaysia in Comparative Perspective, 192.
204 Jomo and Chong, 49.
Malaysian Development and Human Rights

At the time of the UN Universal Declaration on Human Rights, Malaysia was not yet a member of the United Nations. Malaysia joined the UN in 1963, and is also now a member of many other major intergovernmental organizations, including the World Health Organization, World Trade Organization, World Bank Group, and the International Labour Organization. At the time of the 1986 Declaration on the Right to Development, Mohamad Mahathir was developing his “Look East” policy. The Human Rights Commission of Malaysia Act of 1999 established the Human Rights Commission of Malaysia and Suhakam, the National Human Rights Institution, in order to promote and protect human rights in Malaysia.

In November 2012, Prime Minister Najib Razak signed the ASEAN Human Rights Declaration, the first human-rights declaration by the ASEAN nations. The ASEAN Intergovernmental Commission on Human Rights (AICHR), which authorized the ASEAN Human Rights Declaration, is an ASEAN regional human rights institution established in 2009, which represents a regional complement to the international UN human rights system. The ASEAN Human Rights Online Platform reports that the African, Inter-American, European, and ASEAN human rights systems, which developed binding regional human rights treaties reflecting international standards contained in the Universal Declaration of Human Rights, potentially reflect “better enforcement potential than international mechanisms, despite the fear that regional systems give emphasis to regional particularities and could undermine the universality of human rights.”\(^205\) The key feature of each system,

\(^{205}\) “Other Regional Human Rights Systems,” Human Rights in ASEAN Online Platform.
perhaps despite the criticisms about the threat to universality, is “a judicial or quasi-judicial body responsible for the protection of human rights by means of receiving complaints of alleged human rights violations.”206 The creation of the AICHR illustrates the important role regional governance organizations might play in providing accountability measures for issues such as human rights.

Additionally, non-governmental activity might also be important to the way in which development and human rights are conceptualized in Malaysia today. In a 2004 book entitled *Social Movements in Malaysia: From Moral Communities to NGOs*, editors Meredith L. Weiss and Saliha Hassan identified the shifts in the organizational manifestations of social movements, around issues such as women’s rights, the environments, human rights, and global peace, which have reflected Malaysians’ changing perceptions of the place, nature, and function of civil society.207 One contribution of Weiss and Hassan’s argument to the discussion of both the human right to development and the Belt and Road Initiative is the significance given to the association between NGOs and social movements. The global expansion in the number of NGOs has made significant contributions to Malaysian state and society, especially given the control Malaysia’s post-colonial, developmentalist, authoritarian regime held over informal or oppositional political activity.208

The shape of civil society in Malaysia is determined not only by state-sanctioned activities and exercises of rights, but also by advocacy-oriented NGOs, such as human rights and women’s groups, which have proliferated in Malaysian

206 Ibid.
207 Saliha Hassan and Meredith Weiss (eds.), *Social Movements in Malaysia* (London: Routledge, 2004), i.
208 Ibid., 1.
society since the 1990s. More accurately, according to Hassan and Weiss, “the social movements active in Malaysia today developed out of welfare, religious, commercial and communal progress and self-help bodies active since the early twentieth century.”

One prime example of the diffusion of international human rights norms, comes from the creation of the AICHR, the ASEAN Intergovernmental Commission on Human Rights. In 2012 Yvonne Mewengkang argued that while ASEAN and ASEAN member countries are known to be reluctant to specific international human rights policies, the creation of the AICHR illustrates “the elements of internal and external pressures that acted as catalysts of the changing nature of ASEAN in viewing human rights issues.” International pressure was only one factor behind the move towards establishing an ASEAN human rights mechanism, and internal pressures from national and regional actors, through both state and non-state actions. The evidence Mewengkang provides for this argument comes from the internal pressures such as the 1997 Asian financial crisis, political transformation in each member state, and the increasing role of local civil societies that influenced and transformed human rights norms in ASEAN.

At the very least, this argument, based on the notion of “localization” by Amitav Acharya challenges the theory that external pressures forced ASEAN member states to abandon the “ASEAN way” of supporting national autonomy and non-interference marked by the

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209 Ibid., 4.
210 Ibid., 7.
212 Ibid., iii.
213 Ibid., 8.
1976 Treaty of Amity and Cooperation (TAC), and promoted by the 1993 Bangkok Declaration.\(^\text{214}\)

A return to the ‘Asian values’ debate illuminates possible interpretations of the human right to development, or at least human rights discourse in general, with regard to Malaysia. In 2001, Anthony J. Langlois argued that the political and theoretical issues that were raised by the ‘Asian values’ debate during the mid-1990s will continue to be relevant as questions about the universality of ethical values continue not to receive the attention they deserve.\(^\text{215}\) Langlois concluded that neither the legitimacy of Western liberal values, often expressed in terms of human rights or democratic theory, nor the contentious claims made by governing elites in Southeast Asia, provided sufficient tools through which to measure successful development.\(^\text{216}\) He states:

> Rarely seen is consideration of the possibility that the people of the region find neither of these two options fully satisfactory: that, while many reject the authoritarian rule of contemporary elites, they also find the alternative that Western activists and academic commentators advocate wanting in significant respects.\(^\text{217}\)

It seems worth repeating that Mahathir Mohamad was at the forefront of the Asian Values debate. Malaysia is in a unique position with Mahathir back in power. Relations with China are shifting or strengthening according to BRI project involvement and regional attention is being paid to how Malaysia responds to economic development, pressure from China to participate in the BRI, and pressure


\(^{216}\) Ibid., 10.

\(^{217}\) Ibid., 11.
from the international community to continue improving its compliance with human rights standards.

Contemporary human rights concerns in Malaysia, according to international organizations such as Amnesty International and Human Rights Watch, include human trafficking, use of the death penalty, arbitrary arrests and detention, and restrictions on freedom of expression, association, and assembly. The most recent Universal Periodic Review by the UN Human Rights Council, which occurred during the period from November 2013 to March 2018, reported the implementation of accepted recommendations on cooperation with international mechanisms, promotion and protection of civil and political rights in general, the death penalty, the right to fair trial, rights to freedom of assembly, adherence to human rights during enforcement operations, protection of the rights of minorities, freedom of expression, and judicial reform and detention, among other recommendations regarding international obligations and civil and political rights. Some of these acceptances of recommendations are notable since during the last review period, Malaysia rejected almost all of the recommendations regarding improving the situation of refugees and migrant workers in Malaysia and the recommendation to abolish the death penalty and corporal punishment. The review also reported that with regard to economic, social and cultural rights, and the rights of indigenous peoples, “The Government is striving to achieve sustainable development by balancing the development growth of both urban and rural areas through the 10th and 11th Malaysia Plan (MP) and the

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219 “Malaysia,” Human Rights in ASEAN Online Platform.
Government Transformation Program (GTP). In a footnoted explanation of these initiatives, the review stated, “these programmes are formulated with the people as the centrepiece of all development efforts, reinforcing the Government’s commitment to bring further development to the people by enriching their lives, providing people dignity, and uplifting their potential to partake in the prosperity generated.”

This assessment of the development goals of Malaysia in the review on human rights activity is interesting in the context of the broader human right to development debate. It is important to recognize that the general discussion above is focused primarily on broad conceptions of and references to protections for all human rights, rather than just the human right to development specifically. This may be a symptom of the failure of the human right to development to penetrate at a level of national implementation. In the early 2000s, around the time of the 30-year anniversary of the Declaration on the Human Right to Development, many scholars attempted to analyze the achievements or failures of the right to development (RTD) since its emergence as an established human right. Stephen P. Marks, a noted political scientist in the realm of public health and human rights, released a very Western-centric essay in a 2004 entitled “The Human Right to Development: Between Rhetoric and Reality.” In it he identified a paradox in the United States’ opposition to recognizing development as an international human right and simultaneous increase in development spending through a program established under the Bush Administration called the Millennium Challenge Account (MCA). Marks proposes that a demonstration of commitment

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220 Ibid.
221 Ibid.
to the right to development through “a significant increase in resources and perhaps partial commitment to supporting countries that integrate human rights into development” may be more important than a rhetorical commitment to the RTD.\textsuperscript{223}

However, other theorists have found a way to consider the merit of the human right to development without putting U.S. aid, or foreign aid in general, at the center of the debate. In a 2016 article, Karin Arts and Atabongawung Tamo also highlighted the UN Agenda 2030 plan that promotes sustainable development goals, and further explored the possibility for new momentum for the RTD in international law within the context of the deep substantive and political divisions between and within the North and South.\textsuperscript{224}

Arts and Tamo deliberately explored the possibility of revitalizing the RTD through existing international law instruments, rather than by creating additional normative frameworks, and found mixed results. They identified three modest potential spaces for revitalizing the RTD and its implementation efforts, including a better understanding of the law on international cooperation and related obligations, creating accountability processes, and learning from regional experiences on concretizing the RTD such as the ones thus far gained most notably in the African regional system.\textsuperscript{225} Given the positioning of Malaysia in relation to international debates about the human right to development, the operationalization of the human right to development in Malaysia seems to depend upon further interpretation by the

\textsuperscript{223} Ibid., 167.
\textsuperscript{224} Arts and Tamo, 221.
\textsuperscript{225} Ibid., 247.
relevant parties and revitalization in the three ways Arts and Tamo identified as potentially possible or necessary.

There are some interesting references to both development and human rights in Prime Minister Mahathir’s “Vision 2020” plan, an ideal introduced through the Sixth Malaysia Plan in 1991. The policy frameworks developed by Mahathir over the past 30 years have all emphasized becoming not just economically developed in the goal to become fully developed as a country by 2020, but also politically, socially, spiritually, psychologically and culturally, and in terms of national unity and social cohesion, social justice, political stability, system of government, quality of life, social and spiritual values, national pride and confidence. Malaysia’s attitudes toward regional ASEAN development and the Belt and Road Initiative might reveal the process through which Mahathir and other political elites are acting on commitments to holistic development.

**ASEAN and Asian Regionalism: Development and Enforcement**

One of the central tensions of the Belt and Road Initiative, given Malaysia’s development status, strategic goals, and relationship with China, is the departure from or compliance with multilateral, bilateral, or regional norms. One way in which the ASEAN structures have been critiqued throughout their emergence over the past 60 years, has been as a new form of regionalism that may look similar to the EU but that emphasizes different values, such as consensus-building and informal norms. In

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2011, Anja Jetschke and Philomena Murray reflected on ASEAN’s institutionalization and the process of diffusing regional integration by comparing the EU and Southeast Asia. They observed that although ASEAN members had at that point started to adopt EU-style institutions, such as a Committee of Permanent Representatives and economic integration processes, the adoption of these institutions did not lead to a comprehensive and systematic copying of EU institutions by ASEAN.\textsuperscript{228} Jetschke and Murray concluded that since the institutionalization of ASEAN, “member states have acted selectively in line with their ‘cognitive priors’ about state sovereignty.” In the institutionalization of ASEAN, they observed “institutional change only, but not a change in behavioral practices.”\textsuperscript{229}

Arguably however, despite Jetschke and Murray’s assessment of ASEAN’s institutionalization process, there are ways in which ASEAN’s institutions are potentially establishing regional norms that reflect global values. One area in which ASEAN institutions have been criticized most vigorously, has been in the independent enforcement of norms and lack of legalistic structures.\textsuperscript{230} Furthermore, it should be noted that some researchers think that even the phenomenon of regionalism is stagnating.\textsuperscript{231} However, initiatives such as the ASEAN Political Security Community (APSC) and ASEAN Socio-Cultural Community (ASCC) represent the potential for building an effective framework of security and general cooperation in

\textsuperscript{229} Ibid., 174.
\textsuperscript{230} “ASEAN At 50: Achievements and Challenges in Regional Integration.”
\textsuperscript{231} Ahmad Rizky Mardhatillah Umar, “Belt and Road Initiatives (BRI) and the New Politics of Regionalism in Southeast Asia.” ASEAN Studies Center UGM. May 22, 2017. Umar argues that “the rise of the Belt and Road Initiative necessitates a new understanding of regionalism in world politics” but also that regionalism in Southeast Asia is in the midst of a crisis because it is pinned to territorial logic and the established political economic order.
Southeast Asia.\textsuperscript{232} Furthermore, as another 2001 paper on ASEAN community building identified, the AICHR and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) initiatives, “as well as the momentum surrounding the development of a regional capacity for ensuring peace and stability, also provide opportunities for community building.”\textsuperscript{233}

Much of the literature about Asian regionalism has relied on a discussion of norm development in order to articulate the role of Asian regionalism in the broader international governance community. Amitav Acharya’s \textit{Whose Ideas Matter?: Agency and Power in Asian Regionalism} provides an important overview of why the norm dynamics of Asian regionalism matter through new explanation of Asia’s post-war regional institutional architecture. Many theorists attempt to define the emergence of Asia’s security apparatus in terms of the United States, NATO, and the influence of international norms. Acharya, on the other hand, while accepting the constructivist view that ideational forces mattered, offers a different explanation that ideational forces that united the region were generated from \textit{within} the region.\textsuperscript{234} A serious consideration of intra-regional interactions and norms developed by ASEAN countries is required to understand its emergence perversely because of the challenge to an Asian multilateral security organization of “strong normative opposition from an influential segment of Asia’s nationalist leaders.”\textsuperscript{235} These leaders viewed the creation of a multilateral defense coalition as a threat to national sovereignty. This is

\textsuperscript{233} Ibid., 2.
\textsuperscript{234} Acharya, 3.
\textsuperscript{235} Ibid., 3.
connected to the institutional features of Asian regionalism, notably aversion to legalization and bureaucratization. While a framework for collective defense failed in post-World War II Asia, a framework of soft institutionalism and principles and mechanisms of cooperative security was able to create what Acharya refers to as, “a regionalist cognitive prior.” The diffusion of these cooperation norms are best exemplified by the establishment of ASEAN in 1967, and perhaps also by responses to the Belt and Road Initiative in Southeast Asia.

One of the key criticisms of ASEAN is that it lacks proper accountability measures, which has allowed for continued abuses of power and corruption. However, there are some key enforcement measures implemented through various initiatives that may represent great potential for the expansion of regional accountability measures and regulated cooperation according to both regional and international norms. The Treaty of Amity and Cooperation in Southeast Asia (TAC), instituted in 1976, is “the first legally binding document in the region affirming that settlement of disputes by peaceful means is a “fundamental principle” that guides the relationship between all High Contracting Parties.” Additionally, the ASEAN Charter, entered into force in 2008, provides legal status and institutional framework for ASEAN. Furthermore, the Charter codifies ASEAN rules, norms, and values by establishing purposes and principles for the region and encouraging the enactment of

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236 Ibid., 3.
237 Ibid., 7.
240 “Charter of the Association of Southeast Asian Nations,” asean.org.
domestic legislation to effectively implement provisions and encourage compliance.\textsuperscript{241} More specifically, the ASEAN Charter lists several important organs for ensuring regional accountability, including the ASEAN Summit comprised of the Heads of State or Government of all of the member states, community councils, and sectoral ministerial bodies.\textsuperscript{242} The TAC and the other ASEAN governing bodies aim to be responsive to concerns about national sovereignty and issues related to distribution and balance of power.\textsuperscript{243} ASEAN states are of course entangled in interstate relations globally as well as the rest of Asia, but regional enforcement norms also exist.

**BRI, Malaysia, and Southeast Asian Regionalism**

The key question that then arises from the discussion of Southeast Asian Regionalism is thus whether or not the BRI might represent “an attractive and feasible alternative to promote regional economic integration and globalization,” that is different from that provided by current EU and WTO guided models of globalization.\textsuperscript{244} This is, indeed, one of the questions with which this investigation into the possible theoretical justifications for the Belt and Road Initiative began and with which it is primarily concerned. In 2018, a paper entitled “Is the Belt and Road Initiative a Chinese-style Regionalism?” offered a reflection on the stagnated

\textsuperscript{241} Charter of the Association of Southeast Asian Nations (Jakarta: ASEAN Secretariat, 2019), 1.
\textsuperscript{242} Ibid., 13.
\textsuperscript{243} Anthony Milner and Siti Munirah Kasim, “Beyond Western Sovereignty: Non-Western International Relations in Malaysia’s Foreign Relations,” Contemporary Southeast Asia 40, no. 3 (2018): 371.
\textsuperscript{244} Tu Xinquan, “Is the Belt and Road Initiative a Chinese-style Regionalism?” Joint U.S. Korea Academic Studies 29 (2018): 203.
development of bilateral and regional trade agreements and initiatives over the past
two decades in order to argue that the BRI is more about fulfilling China’s strategic
objectives in world affairs than it is about further opening up by China in order to
sustain globalization. By analyzing the economic and strategic logic behind BRI,
Tu concludes that “there are some encouraging ideas in BRI, but there are also some
uncertainties about whether it can substantially promote globalization differently than
existing models.” It remains to be seen whether or not ASEAN member states that
become BRI partners will continue to get trapped into clientelistic relations with
China. Malaysia has been the most receptive among ASEAN and East Asian nations
in embracing the BRI; the assessment below of Malaysia-BRI partnerships is required
to classify the relationship between Malaysia and China as non-clientelistic.

Despite the strengths of the argument against the potential for China to
provide a new model of globalization, primarily rooted in the momentum of the
multilateral trade order and the ambiguity of the BRI, it is still possible that the
question of what the BRI might represent requires a more nuanced answer. Tu
Xinquan’s argument that supports the breakdown of ASEAN regionalism as a result
of the BRI assume a certain level of control on the part of China in ASEAN regional
affairs. In July 2018, the Canadian International Council partnered with the Asia
Pacific Foundation of Canada in order to hold a speaking event about Asian security
competition and the future of the ASEAN. One narrative that arose out of this event
was of the breakdown of ASEAN regional influence as a result of the bilateral BRI

245 Ibid., 203.
246 Ibid., 203.
agreements, and the general way in which “China’s growing economic, military, and diplomatic footprint in Asia is re-balancing power relations in the region.”248 More specifically, the claim was made that the BRI “is integrating the Asia region and unseating ASEAN as the primary driver of Asian regionalism.”249 Given the positioning of China at the center of BRI financing, planning, and labor, it is hard to avoid this conclusion. The distinction must be made between ASEAN regionalism and a new form of regionalism in Southeast Asia that includes China. However, as Amitav Acharya emphasized, “Asia is characterized by marginal adjustments, insistence on state sovereignty and a preference for bilateralism.”250 While this statement is not one to be taken for granted on any sort of Huntington-esque assumption of clashing civilizations, it is underlined by previous conclusions made in this essay about the Asian Values debate and the human right to development. As Tan Sri Munir Majid argued when concluding that the BRI can work for all if truly collaborative in an October 2018 Special Report for the CIMB ASEAN Research Institute, in this environment of an emerging ASEAN community, maintained national identities, and China’s regional dominance, “there is a margin for negotiation and meaningful sovereign existence. ASEAN provides a platform on which to discuss such issues.”251 He goes on to question, “ASEAN failed in forging a common

249 Ibid.
250 Acharya, 1.
251 Munir Majid, “Conclusion- If Truly Collaborative The BRI Can Work For All” in China’s Belt and Road Initiative (BRI) and Southeast Asia. Report. CIMB ASEAN Research Institute (2018), 45. Dr. Munir is the Chairman of Bank Muamalat Malaysia Berhad, but also represents Malaysia in various capacities, including as the 2015 Chairman of the ASEAN Business Advisory Council, the President of the ASEAN Business Club and the Chairman of CIMB ASEAN Research Institute.
position in opposing Beijing’s South China sea claims, but can it take an agreed position in accepting the BRI?"^{252}

Some of the BRI projects that have either made headway in terms of implementation or have made international news illustrate the many dynamics at play when analyzing the role of multilateral, regional, and bilateral forces at play. The Reconnecting Asia program sponsored by the Center for Strategic and International Studies has compiled a list of 13 initiatives and 150 projects related to the Belt and Road Initiative, as well as 95 infrastructure projects in Malaysia, both officially related as well as unrelated to the Belt and Road Initiative. Malaysia’s attitudes toward the BRI have in some ways changed since it was announced in 2013, especially throughout the transition of power from Najib Razak back to Mohamad Mahathir. The significance of different aspects of the Belt and Road Initiative is discussed further later in the chapter, but it is important to note important political shifts and their potential impact on Malaysia’s economic development when analyzing Belt and Road projects in Malaysia. The shift in power from Najib’s administration to the reelection of Mahathir to the office of Prime Minister is very important to this narrative. As American scholar Marvin C. Ott reported at the end of 2018, the political transition has coincided with a rapidly changing and very challenging regional security and economic environment.\(^{253}\) Given the initial support for the Initiative provided by Najib’s administration, Malaysia has become key to China’s BRI strategy in Southeast Asia, and the Initiative “seemed to have made

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\(^{252}\) Ibid., 45.

major inroads there in the form of influence and economic presence--including personal payments to the prime minister.” Immediately after taking over, Mahathir began challenging those inroads. Arguably, the corruption in Najib’s administration allowed for the exacerbation of the lack of transparency and accountability with BRI projects, or at least did not support a defensible model for regional connectivity. However, the conclusion to be drawn from this power shift from Najib to Mahathir and its impact on the BRI is not just that it reflects Mahathir’s general retraction of many of Najib’s plans, but perhaps that Mahathir as a stronger leader wants to be more deliberate about financial interactions with China. As Liu and Lim demonstrated in their 2018 assessment of BRI projects in Malaysia, Malaysia is not a weak state getting overwhelmed by China’s financial might and regional power, but rather Mahathir is furthering Malaysia’s own agenda through BRI interactions with China.

Furthermore, although there has been a shift in treatment of China and the BRI in the shift from Najib to Mahathir, Mahathir has not discarded the BRI completely and there is evidence for the continuation of positive reception to the BRI. In 2017, professor Cheng-Chwee Kuik at the National University of Malaysia reported on the emergence of Malaysia as a focus of Beijing’s BRI diplomacy, resulting from Malaysia’s strategic location between the Indian and Pacific Oceans and the Malaysian government’s welcoming of Chinese capital and general economic presence. Malaysia’s embrace of the BRI and Chinese capital, and any shifts that did and did not occur between Najib and Mahathir’s administrations, should be

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254 Ibid.
255 Kuik, 652.
viewed within the longer timeline of China and Malaysia’s relationship and
Malaysia’s emerging strategy for dealing with shrinking foreign direct investment
inflows and falling oil prices in a world turning to connectivity-based development.\textsuperscript{256} Malaysia’s open and repeated support for the BRI under Najib, including the lumping
of all major bilateral economic cooperation under the BRI framework, had already
translated into concrete developments on the ground by the time Mahathir took
over.\textsuperscript{257} Cheng-Chwee Kuik identified that the way in which the scope and speed of
developments in rail and port construction, industrial network, digital free trade
zones, and the setting up of regional headquarters by Chinese mega corporations in
Malaysia occurred under Najib was due to pressure from Beijing but also enthusiasm
from the Malaysian governing elite. Indeed, Kuik noted, even in the face of growing
domestic criticism and pressure, Malaysia-China BRI cooperation is “a culmination
of bilateral cordiality, geography, power asymmetry, and fundamentally, its ruling
elite’s choice in leveraging on China’s connectivity push for Malaysia’s longer-term
development and immediate interests at different levels.”\textsuperscript{258}

It is essential to emphasize, the mixed levels of content and discontent with
the BRI at different levels within Malaysia. The national and local controversies over
the East Coast Rail Link project specifically provide a useful measure of the hidden
potential for negotiated economic integration and globalization in the BRI. The East
Coast Rail Link is a 600 km project designed to pass through the ethnic Malay-heavy
states of Pahang, Terengganu, and Kelantan, and to bridge the economic divide

\textsuperscript{256} Ibid., 653.
\textsuperscript{257} Ibid., 652.
\textsuperscript{258} Ibid., 653.
between east coast states and Selangor, the country’s most prosperous state.\(^{259}\) The ECRL was celebrated by Najib for its connectivity potential, but was heavily critiqued because of the status of the China-owned China Communications Construction Company (CCCC) as the main contractor and because of the original plan to have 85% of the construction cost financed by soft loans from Beijing.\(^{260}\) The ECRL was viewed positively by the leadership of the three ethnic Malay-dominated states through which the rail link will pass.\(^{261}\) According to Liu and Lim, in negotiations over the other two mega-projects linked to the BRI in Malaysia, Forest City and Bandar Malaysia, the pro-Malay agenda was not as evident, and Mahathir’s pandering to conservative ethnic Malays distrustful of Malaysians of ethnic Chinese descent is evident in his handling of Forest City, Bandar Malaysia, and the ECRL. As Liu and Lim conclude, “Malaysia’s political nuances mean that ethnic Chinese firms such as IWH have to incorporate the wishes of their ethnic Malay partners and those of the Chinese investors into the BRI projects, in addition to their own commercial calculus.”\(^{262}\)

Notably, the ECRL also incorporates an important geopolitical dimension; upon completion, the Kuantan Port in Pahang, Malaysia, will be connected to Port Kiang on Malaysia's west coast. This new land bridge has the potential to redirect about 80% of China’s energy needs that currently pass through the Strait of Malacca, between Malaysia and Indonesia.\(^{263}\) The route could also negatively impact

\(^{259}\) Liu and Lim, 222.
\(^{260}\) Ibid., 222.
\(^{261}\) Ibid., 228.
\(^{262}\) Ibid., 228.
\(^{263}\) Ibid., 223.
Singapore’s status as the leading shipping and commercial center of Southeast Asia, impact the movement of time sensitive goods, such as exotic food and biomedical products, and generally impact indirect trade between Malaysia and China.\textsuperscript{264}

Furthermore, Malaysia’s treatment of the ECRL has been carefully watched by other countries looking to learn from and be strengthened by Malaysia’s attitude towards the BRI. Prime Minister Mahathir moved quickly to cancel BRI projects after coming to power in May of 2018, successfully terminating several gas pipeline projects and reshaping the trajectory of Forest City, Bandar Malaysia, and the ECRL. Most notably, Mahathir suspended the East Coast Rail Link, demonstrating an apparent defiance which, according to the \textit{Financial Times}, “has encouraged others to relook their part in the BRI that is being viewed with suspicion after it left two benefactors, Sri Lanka and Pakistan, struggling under a mountain of debt.”\textsuperscript{265}

The potential for Mahathir’s actions regarding the ECRL, reflecting an attitude towards Beijing’s supremacy in the region, perversely has important implications for the BRI’s contribution to a new regional order, even if it is a Sino-centric community of shared destiny.\textsuperscript{266} As Liu and Lim identified, even before Mahathir announced in March of 2019 that a reduced-scale ECRL was back on track, the geopolitical agenda of the ECRL as a China-Malaysia project could be interpreted based on the agency of Malaysia as a small state to attract or reject Chinese capital to meet domestic geopolitical expectations.\textsuperscript{267} Furthermore, China’s capacity in

\begin{footnotesize}
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\item\textsuperscript{264} Ibid., 223.
\item\textsuperscript{265} Justin Ong, “Malaysia’s rejection of China projects emboldens others against BRI,” \textit{Malay Mail}, September 26, 2018.
\item\textsuperscript{266} Liu and Lim, 230.
\item\textsuperscript{267} Ibid., 230.
\end{itemize}
\end{footnotesize}
exploiting the weaknesses of various Southeast Asian countries through a series of diplomatic moves combined with investment packages is undermined by Mahathir’s calculations regarding the ECRL, and more broadly, by the needs of the Southeast Asian political economy.268

There was much anticipation over the fate of the ECRL during the months from Mahathir’s election until the late-March announcement from Malaysia’s chief ECRL negotiator, Daim Zainuddin, that China and Malaysia were close to an agreement that would cut US$2.4 billion off the cost of the project.269 Both parties seemed eager to strike a deal, but more specifically, Malaysia’s motivation to maintain bilateral ties with China presented an upside risk to project progress.270 According to the South China Morning Post, experts have criticised Daim’s remarks announcing the deal between China and Malaysia as vague, and have questioned whether there might be hidden elements to the deal, such as the promise of other future contracts.271 Regardless of whether pressure to reach agreement is coming more from Malaysia or from China, the continued significance of the ECRL demonstrates the cooperation and sacrifices necessary to achieve a BRI victory on both sides.

In these ways, the tension surrounding the BRI in Malaysia and the potential for regional connectivity are both exemplified by the tension surrounding the ECRL. In terms of the theoretical debates articulated in the previous two chapters, there seem

268 Ibid., 231.
269 Tashny Sukumaran, “China to shave US$2.4 billion off cost of Malaysia’s East Coast Rail Link. But will it be enough?” South China Morning Post, March 25, 2019.
270 “Win-Win Scenario For Malaysia East Coast Rail Link,” Fitch Solutions.
271 Sukumaran.
to be no direct references or strong links to the BRI as manifestations of these two platforms in Malaysian or Chinese government documents or secondary literature on Malaysia and the BRI. However, the theoretical structures of sovereignty, as part of the ‘Asian values’ debate, and international governance, as reflected in the emergence of the human right to development, are central to discussions about Malaysian development and therefore buttress the work of contemporary secondary scholars identifying Malaysia as an important site of BRI activity. Malaysia lies, geographically, politically, socially, economically, and environmentally at the juxtaposition of a number of different interests, and the outcome of BRI projects are therefore notable beyond the significance of the bilateral agreements to the Chinese and Malaysian governments. The evolving status of the ECRL specifically highlights regional pressures and dynamics at play. Ultimately, the debate surrounding ASEAN regional enforcement and development better highlights the potential for regional accountability measures to streamline the development and connectivity process, but ECRL progress highlights the hopes and geopolitical goals that are attached to the BRI, and emphasizes Malaysia’s role in Southeast Asia juxtaposed with China’s influence.
Chapter 5: Conclusion

At this point, in April of 2019, six years after it was first announced, the narrative surrounding the Belt and Road Initiative has shifted, internally within China and externally at the international level. The initial attraction of the BRI that was focused primarily on the potential for low-income countries especially to benefit from new investments in physical infrastructure has been altered, at least at the international level, primarily because the ambiguity in structure and the lack of transparency or accountability measures have changed public and government perception of the Initiative.\(^{272}\) Furthermore, what the Belt and Road Initiative is itself has shifted from an ambiguous set of values and goals for a global communities with common destinies to an amalgamation of state interests, local, regional, and international governance norms, and real projects. The original values of the BRI that help promote an alternative system of development are likely still attractive, but the focus has shifted more to the actual realization of the influx of new infrastructure and support for development, and this realization is complicated by political realities in different local, national, and international communities.

In Malaysia, it has become clear that, as a BRI recipient country, it must have economic and political goals that are consistent with BRI objectives in order for the outcomes of projects to line up with those intended by China.\(^{273}\) Malaysia, under Najib Razak, was quick to respond to the BRI’s call for collaboration when the Initiative was announced because of the potential for such an ambitious project to


\(^{273}\) Liu and Lim, 230.
positively impact the country. However, there were always many concerns over
China's financial influence, and Malaysia’s response to specific big projects can be
described as apprehensive, especially since the 2018 election of Mahathir. The
deliberation over the ECRL by Mahathir and political elites in Malaysia especially
demonstrates this dynamic, and also shows that it is possible for BRI recipient states
to isolate and capture economic benefits from China on their own terms, while
preserving state autonomy with sizable BRI projects.274 Malaysia’s role in ASEAN
cooperation also suggest that its attitudes toward and interaction with BRI projects
have the potential to shape regional responses to the BRI and help to develop a
regional accountability system.

The ‘Asian values’ debate is important to contextualize the role of regionalism
and state autonomy in the debate over the BRI. The ‘Asian values’ thesis does not
provide a sufficient model for modern regional governance given the significant
differences in scope and application. Furthermore, just because the ‘Asian values’
thesis is echoed in contemporary conversations about state autonomy does not mean
that BRI protections for state autonomy represent a reprise of the ‘Asian values’
thesis. However, the overlap between insistence on state sovereignty and a preference
for bilateralism between ‘Asian values’ and the BRI as it has functioned so far is
significant because of the continued emphasis of national and regional interests in the
ASEAN community in the face of China’s regional dominance. Additionally, the
presence of Mahathir at the forefront of the ‘Asian values’ debate is interesting to
consider as he returns to power and both updates his philosophy and provides a model

274 Liu and Lim, 231.
for a firm response to the BRI. Finally, the ‘Asian values’ debate is intertwined with the history of the human right to development and helps to support and refute different interpretations of the human right to development with regard to development in Malaysia.

The human right to development discussion demonstrates how the BRI relies on norms and institutions that have come out of the RTD, and these norms and institutions might serve to structure adequate regional and international accountability and transparency measures through which to realize BRI values. An early concern about the BRI was that it might allow for the exacerbation of existing human rights violations. In practice, however, the debt crisis and lack of transparency surrounding BRI bilateral agreements have been two of the more significant challenges to the implementation of the BRI, although there are certainly other challenges involved. As this thesis tries to demonstrate, the human rights concerns of the BRI are perhaps not unwarranted but are inextricably linked to the political and economic interests and influence of BRI host-countries as they negotiate the terms and conditions of China’s BRI activity as it relates to what they are already doing.

Ultimately, the case of Malaysia represents many of the important tensions provided by the theoretical debates of the ‘Asian values’ thesis and the human right to development as they apply to Southeast Asian politics and economic development over questions of international governance and state sovereignty. As identified at the end of Chapter 3, the operationalization of the values of the Belt and Road, as they coexist with some of the positive outcomes of both the ‘Asian values’ debate and the development of the human right to development discourse, seems to rely on
international and regional accountability measures. While the case of Malaysia and the ECRL project does not yet explicitly demonstrate that these regional dynamics are integrated into BRI bilateral processes, regional attention being paid to the project illustrates pressure for transparency and the influence of mutually beneficial BRI arrangements. In Chapter 4, I argue that theoretical structures of sovereignty, as part of the ‘Asian values’ debate, and international governance, as reflected in the emergence of the human right to development are central to discussions about Malaysian development and therefore buttress the work of contemporary secondary scholars identifying Malaysia as an important site of BRI activity. The progress of the ECRL project, recounted at the end of Chapter 4, indicates the presence of this dynamic because it helps to confirm the partial promise given by BRI discourse that overlaps with the potential of an updated version of the ‘Asian values’ thesis that incorporates adequate economic protections and transparency and accountability measures, as well as the potential of a more concrete and perhaps more regional implementational of the RTD.

Furthermore, although the development of the BRI is not happening entirely in terms of the ‘Asian values’ debate and the RTD, it is not completely a coincidence that there are overlapping values between these theoretical debates and the values emerging from developing BRI arrangements. An initial challenge this thesis attempted to consider was whether or not the BRI is simply a smokescreen for Chinese geopolitical strategy. The discussion above however ended up illuminating a second, more optimistic and more important challenge: whether or not the overlap between some of the core values and promises of the ‘Asian values’ debate and
human right to development discourse and the operationalization of the BRI in
Malaysia is a coincidence. Ultimately the dynamics of the BRI in Malaysia push the
operationalization more in the direction of relevant parties taking BRI values more
seriously, resulting in more of a “community of common destiny.” The hopefulness
of this conclusion, highlighted further by the cautious optimism this thesis claims is
justified, is significant within the context of a generalization of the disparate tones of
BRI discourse in Chinese and Western media. Relative to the Chinese media, the
need for caution addressed in this thesis is more salient than the optimism promoted
by the hopeful conclusion. Relative to Western media, however, the hopefully
optimistic conclusion stands out. The yardsticks for measurement provided by the
‘Asian values’ thesis and RTD discourse, while flawed, provide a useful way to
evaluate the operationalization of BRI values.

Further Questions to Consider

Given the discussion in this thesis, it can thus be said that the BRI ties
together enough of the positive attributes of the theoretical justifications for
development found within the ‘Asian values’ and RTD discourses to provide cautious
optimism regarding the potential of the BRI. However, although the work of this
thesis demonstrates the relevance of these theoretical debates to the BRI, there are
still many interesting and complicating factors to consider in order to fully analyze
the future of the BRI in Malaysia or the future of the BRI as a global initiative. The
case of Malaysia fails to highlight the plethora of other geopolitical factors that shape
China’s foreign policy, and the largely surface-level analysis above relies on an
assumption that an ideological investigation into the BRI’s utopian characteristics can happen without thoroughly incorporating China’s internal decision-making. One important consideration that perhaps should be included is the contradictions between China’s messaging internally and their external policies and messaging. This consideration includes a few different key contradictions. One is the difference between internal propaganda promoting the BRI as the best thing for China and Chinese people above all, and external messaging promoting the BRI as a way to tie the whole world together. As explained in the introduction, I used “China” and “the CCP” interchangeably in this project unless otherwise noted because of the significant control the Chinese Communist Party has over the state. However, there are almost certainly some internal dynamics at play within China that might reshape the narrative in this thesis about the value in understanding ‘Asian values’ and RTD in order to understand how the future of the BRI might involve improved regional cooperation in Southeast Asia.

Another hugely significant and pressing factor that needs to be included in evaluations of the BRI is questions of sustainability. The idea of sustainability connected to the BRI invokes, depending on the perspective, concerns or support from international political pressures and pressure from the existing frameworks for evaluation and trade such as the human rights framework or standards set by the WTO. However, questions of environmental sustainability are also very important. As a January 2019 report on the threat of the BRI to climate progress noted, the scope of the BRI involved means that the BRI could not just transform partner economies

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but also “tip the world into catastrophic climate change.”276 One of the primary concerns behind the development model that China is exporting is that it does not adhere to necessary standards of environmental sustainability to prevent climate change. Notably, while China has imposed a cap on coal consumption within China, “its coal and energy companies are on a building spree overseas.”277 The implication of the BRI model is that the timeline of the BRI and BRI funded development does not factor in the need for immediate action on climate change. It also does not help resolve any of the complicated questions about the late stage development of many countries that the BRI is targeting that are both suffering from climate change related crises and are underdeveloped.278

Three more important considerations include the growing security component to the BRI (relevance to Malaysia exemplified by conflict in the South China Sea), China’s finances and the impact of the U.S. China trade war, and the international response to the Initiative in the form of new initiatives launched, most notably by Japan and through a partnership between Japan and India. The process of considering the physical reality of the BRI and translating into action should also happen within the context of these related events. The scope of this thesis is too small to consider all that is important or related to the Belt and Road Initiative, however, it will be interesting to see what major global shifts affect or are affected by the BRI in the coming years.

277 Ibid.
Looking Toward the Future of the BRI

Finally, the question remains what would it take for the BRI to realize the partial promise provided by vague documents and discourse? I hypothesize that it will take regional accountability measures, implemented by regional bodies like ASEAN, to realize the infrastructural and cooperation promises of the initiative while also balancing state sovereignty and adherence to important international norms of governance. While this is not a specific solution, given the number of international factors at play, it is interesting to consider what this might require. For example, in Southeast and East Asia, this might require cooperation with Japan and Korea, which is a loaded suggestion given the political history of the relationships between China, Korea, and Japan. Or, it might require a better balance of power in the region so that regional interests, as well as individual state interests, are protected even in cases when nations do not have as “strong” a leader as Mahathir Mohamad. Finally, I believe that China’s role in the initiative will continue to evolve as their economic and political relationships with the rest of the world change and internal needs develop.
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