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We negate Resolved: the United States should accede to the United Nations Convention on the Law of the Sea without reservations.

Our Sole Contention is The South China Sea

In the South China Sea, tensions in the region have stabilized.

Stashwick 17 Steven Stashwick, 2-6-2017 "Perpetual Stalemate: China Can Neither Be Dislodged From the South China Sea Nor Control It," The Diplomat, <https://thediplomat.com/2017/02/perpetual-stalemate-china-can-neither-be-dislodged-from-the-south-china-sea-nor-control-it/> //DF

The very insignificance of the territories in dispute in the South China Sea may well be part of their attraction to Beijing for this essentially domestic political purpose." However, given China's investment and the high-profile and provocative nature of recent U.S comments, China is unlikely to accept the domestic political embarrassment of withdrawing from those bases. **China cannot credibly deter the U.S. Navy from operating in the South China Sea and the U.S. cannot compel China to "dig up the artificial islands it has constructed,"** because the only opinion on the South China Sea that the Communist Party cares about is the Chinese peoples'. For all the attention and political rhetoric that the South China Sea garners, **the best outcome either China or the United States may be able to expect is a stalemate.**

And this is exactly what has happened.

Hu Bo, National Interest, "No one lost the south china sea (and no one will)" August 20th, 2018 <https://nationalinterest.org/feature/no-one-lost-south-china-sea-and-no-one-will-win-29337?page=0%2C1> (NK)

As we all see, **the situation in the South China Sea is cooling down**, and the biggest variable is the emerging Sino-U.S. maritime strategic competition. There have been three major views, all of which stem from anxiety, in the western strategic sphere recently on this issue, namely, the so-called Chinese expansionism, U.S. fecklessness and China's control of the South China Sea with at the cost of others' interests. That would contribute to much of China-lashing rhetoric these days. In my observation, all the above points are biased to some degree. No one lost the South China Sea and no one will. Firstly, **no power including China and the United States has the capacity to control the South China Sea regardless its intentions, as we are living in a world where power is more balanced.** It's true that China has made great strides in terms of military modernization and increased power presence, but other South China Sea littoral states and outside powers such as the United States are all strengthening their power presence and military deployments in the region as well. In the foreseeable future, it's difficult to imagine that China or any other country could achieve predominance in the South China Sea.

Mark J. **Valencia**, 5-26-2018, "A 'new normal' in the South China Sea?," East Asia Forum, <http://www.eastasiaforum.org/2018/05/26/a-new-normal-in-the-south-china-sea/> (NK)

ASEAN countries are increasingly hedging between the two great powers. The Philippines under President Rodrigo Duterte has used this competition to its advantage, retaining US security protection while benefiting from China's economic trade and investment. Vietnam has benefited by welcoming visits by war ships of China's potential opponents like India and the United States as a deterrent to China while continuing to maintain robust economic relations with China. **The situation between China and the United States in the South China Sea is far from ideal but it does seem to have settled into a temporary 'new normal'.**

Nevertheless it is still quite fragile and could rapidly tilt towards conflict if not well managed. All involved need to recognise this and strive to maintain this delicate balance.

US accession would upset this balance because tribunals would make China feel encircled.

This manifests in two ways.

First, the Chinese government.

China is deeply skeptical about international law, which they view as an imperial weapon serving the agendas of Western powers.

Donald Emerson, 5-24-2016, "Why does China want to control the South China Sea?," Stanford, [//AM](https://fsi.stanford.edu/news/why-does-china-want-control-south-china-sea)

Ports, runways, buildings, and barracks have been built to accommodate military or civilian ships, planes, and personnel. Radar systems have been installed. Floating nuclear-energy platforms are envisioned. Seen from Beijing, these are not matters of Chinese foreign policy. Under Chinese law, most of the South China Sea is part of Hainan province—in effect, a Chinese lake. In Beijing's eyes, these vast waters and their bits of natural and artificial land are already in China's possession and under its administration—a conviction embodied in the ban on foreigners who fish in them without China's prior permission. Without prior notification, surface-to-air missiles have been placed on Woody Island in the Chinese-controlled Paracels. Beijing may build Scarborough Reef into a third platform, completing a strategic triangle with the Spratlys and the Paracels. The resulting network of bases could undergird the declaration of an air defense identification zone designed to subject foreign aircraft to Chinese rules. These prospects cause anxiety not only far away in the United States, but also and especially nearby in Southeast Asia. Malaysia, the Philippines, Taiwan, and Vietnam have also built on land features they control, including laying down runways. Southeast Asian claimants, too, have "legalized" their claims, as has Taiwan. Malaysia has turned an atoll in the Spratlys into a tourist resort. But these efforts have been dwarfed in quantity and quality by the massive and military dimensions of China's campaign to push its southern boundary farther south and to augment and repurpose the rocks and reefs that it occupies or surrounds inside that new if officially still inexact national limit. What does Beijing want in the South China Sea? The answer is: control. That answer raises additional questions: Will China actually gain control over the South China Sea? If not, why not, and if so, how? How much and what kind of control? Among varieties of dominance from the least to the most oppressive, many qualifying adjectives are possible. Minimal, superficial, selective, extractive, patronizing, censoring, demanding, suppressive, and despotic are but a few that come to mind, and fluctuations over time are possible across this spectrum from smiles to frowns in either direction. For Asia and the wider world, the relevance of these uncertainties is clear. But the original, primary question—what China wants—can be retired, at least for now. It has been answered by China's behavior. The notion that the government of China does not know what it wants in the South China Sea is no longer tenable. Its actual behavior says what it wants. It wants to control the South China Sea. Obviously that body of water and its land features are not coterminous with Southeast Asia, nor with East Asia, Asia, Eurasia, or the Asia-Pacific, let alone the world. One can only speculate whether and how far the goal of control applies across any, some, or all of these concentric arenas of conceivable ambition. In those zones, why China wants control is still a fatally prejudicial—presumptive—question. Not so in the South China Sea. In that setting, knowing the subjective motivations, objective causes, and announced reasons for Beijing's already evident pursuit of control could help lower the risk of future actions and outcomes damaging to some or all of the parties concerned, not least among them China itself. One answer to this "why control?" question runs thus: Chinese historians who reflect on what China calls "the century of humiliation" know that the Western powers—British, French, American—entered China in ships across the South China Sea. It makes sense that China today, with that memory in mind, would want to protect its underbelly from maritime assault. Ignoring whether 19th and 21st century conditions are alike—they are not—one can then argue that China has been busy installing itself in the South China Sea for defensive rather than expansive reasons. Why not develop a forward position to discourage an American invasion? That is a generous interpretation of Beijing's intent. Less generously: The United States is not about to attack China, by sea, land, or

air, and Beijing knows it. It is precisely that knowledge that has allowed China to entrench itself so successfully, acre by acre, runway by runway, missile by missile, without triggering a truly kinetic American response. Americans are still significantly involved in violent conflicts in Afghanistan and the Middle East. Americans are tired of war. Washington knows that it needs to cooperate with Beijing. Among the surviving would-be presidents, Hillary Clinton regrets voting for the Iraq War; ex-conscientious objector Bernie Sanders opposes war; and Donald Trump says he makes deals not wars. If Sino-American bloodshed is so unlikely, why would China want to militarize the South China Sea to defend itself against the U.S.? Perhaps Beijing is trying to deter a threat that falls short of war, namely, containment [from the United States]. But Sino-American interactions are too many and too vital for an American president to want to quarantine the world's most populous country and second-largest economy, even if that were possible, which it is not. The Obama administration wants China to be constructively engaged with others inside the existing global political economy. A cooperative, responsible China is in the interest of the United States and the planet. Alongside war and containment is a third possible fear in Beijing: jingoism from within.

China has already demonstrated that it will respond to UNCLOS rulings it disagrees with.

Mollman 16 Steve Mollman, 7-18-2016, "Beijing announces new plans for breaking international law in the South China Sea," Quartz,

<https://qz.com/734635/beijing-plans-to-break-international-law-in-the-south-china-sea-starting-tomorrow/> //DF

China appears to have timed military activities in the South China Sea to take place in the days both before and after a ruling that largely invalidated its sweeping claims to the strategic waterway. The country's maritime safety agency announced today (July 18) that military exercises will be held in an area of the sea southeast of China's Hainan Island, from tomorrow through Thursday.

Second, nationalism.

China's SCS claims are obviously illegal under UNCLOS, but China has consistently disregarded the rulings of UNCLOS tribunals.

Fuchs 16 Michael Fuchs, 8-3-2016, "UNCLOS Won't Help America in the South China Sea," National Interest, <https://nationalinterest.org/feature/unclos-wont-help-america-the-south-china-sea-17235> //DF

First, while the United States has a strong interest in peaceful resolution of competing territorial claims in the South China Sea, it is not itself a claimant, and thus UNCLOS would provide no additional tools for the United States to use in addressing disputes in the South China Sea. While **U.S. ratification of UNCLOS would allow U.S. nationals to serve on arbitration panels**, such representatives are expected to exercise independent reasoning and do not take instructions from member governments. If anything, **the presence of an American on the panel would have played to the suspicions of hardliners in China who view international legal regimes as a vehicle for advancing U.S. interests**. If this sounds farfetched, consider that the Chinese ambassador to ASEAN recently accused Washington of "staying behind the arbitration case as the manipulator, and doing whatever it can to ensure that the Philippines wins the case." Second, the only thing that the United States would achieve by joining UNCLOS—at least from the perspective of modifying Chinese behavior—would be to deprive Beijing of its talking point that U.S. exhortations to claimant states to comply with UNCLOS amount to "hypocrisy." Deprived of this talking point, there's no reason to believe that Beijing would submit to the tribunal's authority. Although U.S. ratification of UNCLOS would be a boost to the prestige of the convention, Beijing has evidently made a calculated judgment that defending its perceived sovereignty and the strategic value of physical control of large stretches of the South China Sea outweighs whatever reputational damage it suffers as a result of flouting the tribunal's decision.

Holmes 18 James Holmes, 5-30-2018, "China Could Win a War Against America in the South China Sea," National Interest,

<https://nationalinterest.org/blog/the-buzz/china-could-win-war-against-america-the-south-china-sea-26033> //DF

That's the first point about a people's war at sea. A clash of arms is possible. Statesmen and commanders in places like Manila, Hanoi, and Washington must not discount Chang's words as mere bluster. Indeed, **it's doubtful China could comply with the UNCLOS tribunal's ruling at this stage, even if the Chinese Communist Party leadership wished to**. Think about the image compliance would project at home. For two decades now, Beijing has invested lavishly in a great navy, and backed that navy up with shore-based firepower in the form of combat aircraft, anti-ship missile batteries, and short-range warships such as fast patrol craft and diesel submarines. (This first appeared last year.) **Party leaders have regaled the populace with how they will use seagoing forces to right historical wrongs and win the nation nautical renown. They must now follow through**. (This first appeared in 2016.) It was foolish to tie China's national dignity and sovereignty to patently absurd claims to islands and seas. But party leaders did so. And they did so repeatedly, publicly, and in the most unyielding terms imaginable. By their words they stoked nationalist sentiment while making themselves accountable to it. They set in motion a toxic cycle of rising popular expectations. Breaking that cycle could verge on impossible. If Beijing relented from its maritime claims now, ordinary Chinese would—rightly—judge the leadership by the standard it set. Party leaders would stand condemned as weaklings who surrendered sacred territory, failed to avenge China's century of humiliation despite China's rise to great power, and let jurists and lesser neighbors backed by a certain superpower flout big, bad China's will. No leader relishes being seen as a weakling. It's positively dangerous in China. As the greats of diplomacy teach, it's tough for negotiators or political leaders to climb down from public commitments. Make a promise and you bind yourself to keep it. Fail to keep it and you discredit yourself—and court disaster in the bargain.

Stashwick 17 Steven Stashwick, 2-6-2017 "Perpetual Stalemate: China Can Neither Be Dislodged From the South China Sea Nor Control It," The Diplomat,

<https://thediplomat.com/2017/02/perpetual-stalemate-china-can-neither-be-dislodged-from-the-south-china-sea-nor-control-it/> //DF

The Asian Maritime Transparency Initiative assesses that China has constructed over 3,000 acres of artificial land on seven reefs and features in the Spratly Islands since 2013, and covered them with airfields, hangars, command buildings, and extensive sensor array. China is unlikely to be compelled to abandon such massive, and public infrastructure projects peacefully, hence Admiral Greenert's warning that any attempt to restore the status quo ante in the Spratlys risked a military clash. Similarly, when China began deploying missile systems to its bases on the Paracel Islands last April, I underscored the political potency of China's South China Sea bases, despite their limited military usefulness. In a series of lectures last year Singaporean Ambassador-at-large Bilahari Kausikan argued that **China's moves in the South China Sea were primarily a demonstration to the Chinese people that the Communist Party was fulfilling its promise to restore lost territory and honor in a way that was both low-risk and low-cost compared to Taiwan and parcels that are now part of Siberia and Mongolia**; "The very insignificance of the territories in dispute in the South China Sea may well be part of their attraction to Beijing for this essentially domestic political purpose." However, given China's investment and the high-profile and provocative nature of recent U.S comments, China is unlikely to accept the domestic political embarrassment of withdrawing from those bases.

An increase in tribunals makes China feel encircled. This only increases the need for the Chinese Communist Party to make claims in the region in order to stay in power.

Thomas E. Ricks, 6-29-2017, "Could the Chinese Communist Party survive dropping South China Sea claims?," **Foreign Policy**,

<https://foreignpolicy.com/2017/06/29/could-the-chinese-communist-party-survive-dropping-south-china-sea-claims/> //AM

Since at least the third century AD, successive Chinese dynasties have asserted jurisdiction over parts of the South China Sea, including the Parcel and Spratly Islands. Until the end of the 19th century, when Western and Japanese imperialists imposed a series of unequal treaties on China and began what is commonly referred to in China as "The Century of Humiliation," China maintained its assertions of sovereignty over much of the South China Sea. In recent years, China has revived those historic claims and began aggressively protecting what it deems to be its sovereign territory. To understand these claims and how to work with (or against) them, it is necessary that the West appreciates the historical and political context in which they have been made. Look close enough and the West will start to see that the Chinese Communist Party's continuing existence is tied up in their claims, and thus no amount of pressure will cause China to retreat from them. China's motivations run deep and their path has even been codified in law so that any Chinese leader who cedes territory is essentially committing treason. In March 2005, the third conference of the 10th National People's Congress passed the so called Anti-Secession Law, which makes it state policy and the "common obligation of all Chinese people" to safeguard Chinese sovereignty and territorial integrity. While on the surface the law pertains to Taiwan, it also applies to all of China's other territorial claims. A Chinese leader that ceded sovereignty over any land could conceivably face criminal charges for violating the Anti-Secession Law. The problem with using past humiliation as a rallying cry is that it amplifies the consequences of being viewed as weak. Bowing to international pressure and rescinding claims of sovereignty over the islands in the South China Sea, especially in light of the very public reclamation efforts, would not only be against current Chinese law, but would be political suicide for the CCP. The Chinese people would simply assess that the West had once again succeeded in bullying and imposing itself on China. The memory of the Century of Humiliation will only increase the Chinese people's resolve to fight for what they deem to have been their sovereign territory since "ancient times." **Failing to aggressively defend its claims could create domestic risks for the Communist Party as the increasingly nationalistic population may decide the government is weak and should be replaced.** With their dismissal of the July 2016 international tribunal ruling on the South China Sea and their continued militarization of its reclaimed islands, the Chinese government has shown it understands this and will not succumb to international pressure. China has much more to lose than uninhabited islands in a conflict over the South China Sea. One can be certain that China will not back away from their claims of sovereignty because to do so would not only cause them to lose face internationally, but would increase domestic disapproval and pressure on the regime. The CCP knows the cost of weakness, real or perceived, having successfully sold themselves as the antithesis to the weak leadership that precipitated the Century of Humiliation. The CCP's very existence may rest on defending their claims in the South China Sea, and the party's leadership knows it. The international community, and the United States in particular must add this into their calculations before deciding how to react to Chinese claims.

To combat this

Chang 16 Felix K. Chang [senior fellow at the Foreign Policy Research Institute. He is also the Chief Strategy Officer of DecisionQ, a predictive analytics company in the national security and healthcare industries], 6-24-2016, "China's Encirclement Concerns," Foreign Policy Research Institute,

<https://www.fpri.org/2016/06/chinas-encirclement-concerns/> //DF

But even if China's fear was to manifest itself, Beijing is already developing the means to break out of it. In late 2013, China turned heads across Asia with its "One Belt, One Road" initiative. Among the many infrastructure projects it has financed in Southeast Asia are a special economic zone in Cambodia, hydroelectric dams in Laos, and energy and railway projects in Malaysia. While China's "yuan diplomacy" has not always been successful, it has had an impact. Cambodia and Laos have become reliable advocates for China within ASEAN. Malaysia largely remains on the sidelines of the South China Sea dispute, despite a rising number of Chinese infringements of its exclusive economic zone. China's initiative may prove useful even in the Philippines, which has been a thorn in Beijing's side. The Philippines' new president, Rodrigo Duterte, has indicated that he would undertake the bilateral dialogue that China has long sought in exchange for Chinese economic development assistance. Benefit of the Encirclement Still, Beijing may have reason to play up its fears of encirclement. Despite its remarkable economic achievements, China faces a host of problems. Today, Chinese leaders must manage their country's difficult transition from

investment-led growth to expansion by private consumption, while dealing with its various debt-fueled bubbles. Even under the best conditions, those challenges are bound to be volatile. So some may see fears of encirclement as a way to rally public sentiment and maintain the “social stability” needed to ensure the longevity of communist rule. In any case, whether the “encirclement of China” is imagined or real, effective or not, one can expect the phrase to remain in Beijing’s lexicon for years to come.

Leaders have often used the fear of encirclement to rally public support around aggressive land grabs. For example

Mearsheimer 14 John J. Mearsheimer, 8-20-2014, "Why the Ukraine Crisis Is the West’s Fault," Foreign Affairs, <https://www.foreignaffairs.com/articles/russia-fsu/2014-08-18/why-ukraine-crisis-west-s-fault>

According to the prevailing wisdom in the West, the Ukraine crisis can be blamed almost entirely on Russian aggression. Russian President Vladimir Putin, the argument goes, annexed Crimea out of a long-standing desire to resuscitate the Soviet empire, and he may eventually go after the rest of Ukraine, as well as other countries in eastern Europe. In this view, the ouster of Ukrainian President Viktor Yanukovich in February 2014 merely provided a pretext for Putin’s decision to order Russian forces to seize part of Ukraine. But this account is wrong: the United States and its European allies share most of the responsibility for the crisis. The taproot of the trouble is NATO enlargement, the central element of a larger strategy to move Ukraine out of Russia’s orbit and integrate it into the West. At the same time, the EU’s expansion eastward and the West’s backing of the pro-democracy movement in Ukraine—beginning with the Orange Revolution in 2004—were critical elements, too. Since the mid-1990s, Russian leaders have adamantly opposed NATO enlargement and in recent years, they have made it clear that they would not stand by while their strategically important neighbor turned into a Western bastion. For Putin, the illegal overthrow of Ukraine’s democratically elected and pro-Russian president—which he rightly labeled a “coup”—was the final straw. He responded by taking Crimea, a peninsula he feared would host a NATO naval base, and working to destabilize Ukraine until it abandoned its efforts to join the West. Putin’s pushback should have come as no surprise. After all, the West had been moving into Russia’s backyard and threatening its core strategic interests, a point Putin made emphatically and repeatedly. Elites in the United States and Europe have been blindsided by events only because they subscribe to a flawed view of international politics. They tend to believe that the logic of realism holds little relevance in the twenty-first century and that Europe can be kept whole and free on the basis of such liberal principles as the rule of law, economic interdependence, and democracy.

This impact is regional aggression. Like Russia, China would likely pick off a smaller Southeast Asian nation to demonstrate that they still have control in the South China Sea.

Jansen Tham, The Diplomat, 5-10-2018, "Is the South China Sea Dispute a Foregone Conclusion?," Diplomat, <https://thediplomat.com/2018/05/is-the-south-china-sea-dispute-a-foregone-conclusion/> (NK)

The above three factors – Beijing’s sharpened focus on national security, lack of American resolve to balance China in the SCS, and ASEAN’s prioritization of peace and stability over sovereignty considerations – have contributed to the bleak state of affairs today. What does this mean for security in Southeast Asia? From the realist perspective, as Beijing accrues naval dominance in the SCS, the rules meant to regulate its behavior are likely to matter less and less – underscoring the geopolitical truism that ‘might is right.’ While China foreswears the use of coercive force on its Southeast Asian neighbors and may indeed have no offensive intentions today, it has now placed itself in a position to do so in the future. In other words, while it had no capacity nor intent to threaten Southeast Asian states previously, it has developed the requisite capabilities today. Under a different Chinese leader, or when regional geopolitics shifts to one more antagonistic to Beijing’s interests, there is a very real chance that its hitherto benign intent could change. If that happens, there would be nothing stopping China from ‘teaching its neighbours a lesson’ – like how it taught Vietnam and India painful lessons during the 1979 Third Indochina War and the 1962 Sino-Indian border war respectively.

While acquiescing to preserve today’s regional peace and stability makes sense, Southeast Asian states must realize the trade-off that doing so engenders potential costs of military confrontations with China tomorrow – confrontations stacked in Beijing’s favor given its entrenched regional military influence henceforth.

In the Vietnam case alone, 50,000 people died in the struggle, even though it only lasted six weeks.

David Stout May 15, 2014, 5-10-2014, "The Last Time China Got Into a Fight With Vietnam, It Was a Disaster," Time, <http://time.com/100417/china-vietnam-sino-vietnamese-war-south-china-sea/> (NK)

In the winter of 1978, when Deng Xiaoping made his threat of a “lesson,” more than 80,000 Chinese troops were sent across the border into Vietnam. Chinese Deputy Defense Minister Su Yu boasted of being able to take Hanoi in a week, but the untested and under-equipped People’s

Liberation Army (PLA) met fierce resistance from battle-hardened Vietnamese forces deployed across the frontier's limestone karsts. The Chinese were slaughtered by local militia from positions that had been utilized for centuries against invaders from the north. "More Chinese soldiers were getting killed because they were fighting like it was the old times," says Vietnamese veteran Nguyen Huu Hung, who witnessed the PLA's human waves being mown down near the city of Lang Son. "They were in lines and just keep moving ahead ... they didn't run away." it would take just six weeks for Beijing to call off its "self-defensive counteroffensive." Teaching the Vietnamese a lesson turned out to be a costly affair. Official casualty statistics have never been released by either Beijing or Hanoi; however, analysts have estimate that as many as 50,000 soldiers died during the confrontation. "I heard that [China] said they wanted to teach Vietnam a lesson, but I can't see what the lesson was," says Hung. "Our job was to fight against them. But the losses, to be honest, were huge." When the Chinese began their pullout in early March, the retreating troops implemented a barbaric scorched-earth policy. Every standing structure in their path was destroyed. Any livestock they encountered were killed. Bitterness was sown.