

Cards

UQ – China Framing

Hawksley 18 Humphrey Hawksley [BBC Correspondent and Author], 2018, "Asian Waters: The Struggle Over the South China Sea & the Strategy of Chinese Expansion, The Overlook Press //DF

Beijing's construction of military bases in the South China Sea is the culmination of a plan that dates back to the seventh century BC and the first stages of the building of the Great Wall. Through Chinese eyes it is about protection, not aggression. "We are not trying to take over these island and territory," Ruan Zongze of the China Institute of International Studies told me in Beijing. "What China is doing is to safeguard and defend its own legitimate rights, not like Americans who start wars all over the world. China will never do that." Over the centuries China created buffers against hostile neighbors by taking territory to its north, including Manchuria, now China's northeastern region that borders North Korea and Russia and is just across the water from Japan; Mongolia, which China split in two – Inner Mongolia, controlled by Beijing, and Outer Mongolia, now an independent nation, but governed under the wings of the Soviet Union during the Cold War; Xinjiang, the troubled Muslim region that leads through to Kazakhstan, Tajikistan, Kyrgyzstan, Afghanistan, and the insurgent ridden Kashmir region, which is disputed between China and India. What it failed to construct were southern and eastern maritime defenses to protect its coastline from foreign invasion by sea and, because of this, it received a brutal wake-up call in November 1839 when British troops stormed ashore near the southern port of Guangzhou, determined to increase Britain's opium exports into China from its colony in India. In China's history, the First Opium War marks the start of its Century of Humiliation, which ended 110 years later in 1949 when Mao Zedong came to power. The defeat highlighted a weakness that China will never forget, and the story is told vividly in the amply funded Opium War and Sea Battle Museum in Humen, where the British invaded. Events are embedded in the mind of every student, from school to university and beyond. "It is not only at primary school that we are taught this, said Jinan University student Lu Chu Hau, who showed me around. "At middle school, at university, at home, at work, it is drummed into us so that we know that China must never be weak again."

Hawksley 18 Humphrey Hawksley [BBC Correspondent and Author], 2018, "Asian Waters: The Struggle Over the South China Sea & the Strategy of Chinese Expansion, The Overlook Press //DF

The museum fails to explain exactly how broken China was in the middle of the eighteenth century. For twenty years, from 1851 to 1871, the Taiping Rebellion, led by a man who claimed to be the younger brother of Jesus Christ, left millions dead in the southern part of the country. The casualties from Britain's military action were by comparison miniscule, but drove home the point that without a better internal system of government China would never be able to withstand foreign invasion. It is this narrative of strong, forward-looking internal government coupled with effective military defense that mirrors much of China's argument today, which flows directly to Beijing's South China Sea activities and is causing antagonism. "You cannot overestimate the impact of the Opium Wars," Milton Nong Ye, professor of history at Guangzhou Jinan University, told me. "We learned then that the international world order is unfair." He drew a comparison between the Opium Wars and the compromises China had made to join the World Trade Organization in 2001. Only fifteen years later, thinking it had made all the necessary concessions, China found that the Western power demanded more. It found itself excluded from the US-sponsored Trans-Pacific Partnership trade deal, from which Washington has now withdrawn. "China is not safe and has been invaded many times," Ye said. "The way to protect ourselves is to build a great wall of the sea, and you do that with big ships and strong islands."

Liu 16 Zihang Liu, 8-29-2016, "How the Chinese view International Law," International Policy Digest, <https://intpolicydigest.org/2016/08/29/how-the-chinese-view-international-law/>

With the precarious situation unfolding in the South China Sea and the Diaoyu/Senkaku Islands over the past several months, the world's attention has been drawn to China's pivotal role of maintaining stability in the Asia-Pacific region. As China's economic and political influence has grown in the past few decades, scholars have been analyzing and evaluating China's approach to global politics, particularly international law. In light of these continuing international disputes, it is important to understand contemporary international relations, specifically in relation to China, a significant yet relatively new player in the existing American-led international order. **In the three decades immediately following the establishment of the state's communist regime (the Peoples' Republic of China or PRC) in 1949, the Chinese government adopted a policy of "starting anew" ("另起炉灶" and "打扫干净屋子再请客"). This strategy amounted to the elimination of all traces of imperial influence over China with an emphasis on the sovereignty of an independent China, and the concordant development of the Five Principles of Peaceful Coexistence, which were enacted in 1954. The Five Principles were based, in large part, upon the core values of the United Nations Charter, which hold state sovereignty in the highest regard. Concurrent to their development, China became cautious about numerous international laws, which the PRC perceived as imperial weapons serving the agendas of Western powers.** During the Cold War era, the Western Bloc was wary of the East, as evidenced by its initial reluctance to admit the PRC into the international community. **It was not until 1971 that China regained its seat at the United Nations. The PRC's 1978 Reform and Open-Up Policy marked a new era of China's active participation in international lawmaking processes, which continues to the present. Since 1978, China has become heavily involved in international affairs, gaining admittance to over three hundred international organizations, including the prominent WTO and UNCLOS.** Professor He Zhipeng provides an analysis of China's approach to international law in his article, "The Chinese Notion of International Law" ("国际法的中国观念"). He considers China's approach to enacting and developing international laws as demonstrative of China's overall foreign policy. Drawing upon theories of international relations, he refutes liberalism, a theory which dismisses the power politics of international relations by emphasizing mutually beneficial state cooperation, devaluing the role of government, and affirming the influence of international NGOs. Instead, he promotes realism as the most beneficial philosophy to guide China's involvement in the international lawmaking process. In particular, he sees this policy as effectively complementing the current condition of the international community, which largely exists as an "anarchy state." Under the policy of realism, nations should continuously play a zero-sum game to maximize their own state interests. He bemoans the fragmentary nature of international jurisprudence—that is, he argues that (a) there exists no clear system of law under which a constitution is deemed absolute, and (b) complementary laws fail to form an accountable and efficient legal system. Furthermore, he finds the inefficiency of certain international institutions, which must constantly negotiate greater powers' political considerations, another lamentable reality that renders international law incompetent and the global community anarchistic. Thus, while lauding the achievements accomplished thus far within the field of international law, he simultaneously warns against a blind belief in its efficacy. He reminds readers of the realities of power politics and the significance of state sovereignty. He suggests that China should, as it has often done in the past, follow the tenets of realism, under which sovereignty is valued and states pursue their own interests as often as possible. Thus, when applying international laws or participating in the lawmaking process, he argues that the furtherance of national interests is the ultimate purpose for which China should strive. He additionally contends that international laws generally fail to function as consistent rules according to which states must adjust their behavior or accept punishment for transgressions. He asserts that international law has instead become the constantly evolving product of state interactions. Essentially, international law does not offer a system of rule that governs nations but rather a system of compromises, agreements, and treaties that constantly adapt to national demands and interests. **The legality of the nine-dash line demarcating sovereignty in the South China Sea, for instance, is not legitimized by existing international law; rather, it is empowered via state recognition and practices. As a result, he asserts that the nine-dash line will likely become a new norm of international law as long as it continues to be customarily accepted by states in the region. This method of interpreting international law renders it flexible enough to be utilized as a tool forwarding Chinese state interests on the international stage. It is furthermore able to accommodate China's evolving state interests, such as the state's sovereign claim over the South China Sea.** Many in the West strive to enshrine the theory of liberalism and construct an international system wherein democratic states choose to avoid military aggression, while instead interacting, cooperating, and peacefully competing according to

set principles, adopting a Lockean approach. However, as China's past practices have shown, and as Professor He has demonstrated, **China continues to hold state sovereignty and state interests in esteem.** In contrast to the West, China essentially considers the international community in a manner more similar to Thomas Hobbes' concept of the Leviathan, whereby one must act for oneself and by oneself. **For China, therefore, national interests and sovereignty are supreme, while international law can be manipulated in order to serve the state's needs. This conflict in values thus creates a dilemma between two distinct sets of ambitions. While China and the West have generally worked concomitantly to develop international laws, their agendas occasionally diverge on critical issues. For instance, while the United States, Japan, and other states adhered to customary international law by upholding Freedom of Navigation Operations (FONOPS) with regard to the South China Sea, China, as a party to UNCLOS, they fiercely fought for its sovereignty over the territory.** Alternatively, China's support of the "Responsibility to Protect" (R2P) has led to great success in terms of cooperation and reconciliation between China and the West. R2P provides a framework under which the UN Security Council can sanction the use of force in order to prevent atrocities and human rights violations in independent states. Thus far, such unanimity has already significantly supported stabilization efforts in, for example, Côte d'Ivoire. As China's history has shown, however, its leadership often values state sovereignty and national interests above all else. Therefore, rather than maintaining universal values, China remains more concerned with its own interests. Nevertheless, by understanding the approach that China takes in international relations and global lawmaking, it is feasible to work with the nation to develop a more cooperative international community. Thus, in the future, we may see more coordinated achievements resembling the enactment of R2P if Western states take note of China's international relations philosophy

Thomas E. Kellogg, The Diplomat, 7-14-2016, "The South China Sea Ruling: China's International Law Dilemma," Diplomat,

<https://thediplomat.com/2016/07/the-south-china-sea-ruling-chinas-international-law-dilemma/>

Perhaps for the first time ever, the somewhat obscure UN Convention on the Law of the Sea (UNCLOS) is making global headlines. On July 12, **The Hague-based Permanent Court of Arbitration (PCA) issued a ruling on a case brought by the Philippines, holding that China's expansive claims to much of the South China Sea were not valid under international law. The decision, which landed on the front page of newspapers around the world, represented a near-complete victory for the Philippines, and a strong challenge to China's decades-long efforts to strengthen its hold over the Sea. The verdict came as no surprise: most legal experts viewed China's legal position as weak, and gave Beijing little chance of emerging unscathed. China could have used the months leading up to the verdict to formulate a plan to lose gracefully, and to use the PCA's verdict as an opportunity to change course on the South China Sea. Instead, Beijing doubled down on intransigence, signaling repeatedly that it would unreservedly reject an unfavorable verdict. Speaking at a conference in Washington just days before the decision was announced, former top diplomat Dai Bingguo referred to the then-pending ruling as "nothing more than a piece of waste paper," and warned that "no one and no country should implement the award in any form." In case there were any lingering doubts, the Chinese foreign ministry issued a statement rejecting the verdict within hours of its publication. "The award is invalid and has no binding force," the Ministry said. "China does not accept or recognize it."** Perhaps unsurprisingly, much of the recent commentary on the case has focused on what the ruling might mean for the reduction or escalation of tensions in the South China Sea. But **China's response to the verdict also sheds light on Beijing's attitude toward international law more generally, as well as toward the U.S.-led international system. The decision may prove to be a turning point of sorts: China may be**

entering a new phase of its relationship with the international order. **The past 40 years have been about China's integration into the world community. The question going forward is whether China will begin to turn away from the international system, and instead take a more overtly interest-based approach to international norms, laws, and institutions.** The story of China's return to the world stage is a dramatic one: few countries have moved as quickly as China over the past several decades from almost-complete isolation to deep integration in the international system. When the United States finally established diplomatic relations with the People's Republic in 1979, the country was in rough shape, still reeling from the ten-year debacle of the Cultural Revolution and slowly trying to regain its footing under the leadership of newly-installed *de facto* chief Deng Xiaoping. With assistance from the international community, **China shed what one former U.S. president called its "angry isolation," and gradually became an influential player in world affairs. From 1979 to 1989, China joined key international organizations, signed and ratified an impressive number of international instruments, and created the domestic governance infrastructure needed to handle its growing list of international obligations. It joined the World Bank, for example, in 1980, and quickly became one of the leading recipients of development loans. It joined the IMF in the same year, and the ILO in 1983.** An alphabet soup of other organizational memberships followed. The process of integration was brought to a standstill in the wake of the Tiananmen Square tragedy in 1989, but resumed in the mid-1990s. For the most part, the deepening integration and engagement continues to this day: **China is now a key player on virtually every aspect of global politics. Take the Paris Agreement on climate change, for example: observers generally agree that China helped shepherd the December 2015 agreement to the finish line. Or the January 2016 nuclear deal with Iran: China signed on to the tough economic sanctions on Iran that made the deal possible, and was also at the table as a member of the so-called P5+1 group of nations that negotiated the agreement with Tehran. And yet, despite all of this progress, China is not yet the robust supporter of the international system that many had hoped it would become. It is not yet, to use the famous phrase coined by former World Bank President Robert Zoellick, a "responsible stakeholder," a nation that regularly acts, even against its own self-interest, for the good of the international order as a whole. When China declined in 2014 and 2015 to back the damning report by the UN Commission of Inquiry on Human Rights in North Korea, it gave short shrift to its global responsibilities. The same could be said of its decision in May 2014 to team up with Russia to block a UN Security Council Resolution on the humanitarian crisis in Syria. And that is what's troubling about China's reaction to the South China Sea decision: it exposes the underlying ambivalence of China's leaders toward not just the Law of the Sea treaty, but also the international system as a whole. Beijing's intemperate reaction to the verdict from The Hague raises the disquieting possibility that China may act on its ambivalence more and more often, refusing to follow laws and norms it doesn't like. If it does so, it will further undermine the international system at a time when it is already under severe strain.** Where to go from here? In light of the PCA ruling, the United States and its allies need to deepen their engagement with Beijing. The U.S. government in particular should continue to encourage Beijing to see this loss as an opportunity to turn the page on a dispute that has harmed China's reputation, both in the region, and beyond. At the same time, Washington should also look for other opportunities for constructive collaboration with Beijing on other issues of mutual concern. Beijing began its reentry into the world community in the 1970s, but the events of the past several days show all too clearly that the process of integration is not yet fully complete.

UQ – SCS Chill

Ariffin 17 Eijas Ariffin, 1-7-2017, "Can China's militarisation of the South China Sea lead to armed conflict?," ASEAN Post,

[//DF">https://theaseanpost.com/article/can-chinas-militarisation-south-china-sea-lead-armed-conflict-0 //DF](https://theaseanpost.com/article/can-chinas-militarisation-south-china-sea-lead-armed-conflict-0)

The United States has carried out various freedom of navigation missions in the South China Sea to keep China's military moves in check. These missions often involve American warships equipped with fighter jets patrolling areas of the South China Sea. Lieutenant Commander Tim Hawkins told the Associated Press (AP) this week that the US will continue with their missions despite the presence of Chinese bases established in the area. Tim Hawkins added that they are prepared to provide any sort of assistance in the region be it in the form of "humanitarian assistance" or "send strike fighters ashore." Freedom of navigation missions more often than not receive a backlash from Beijing. The Japan Times reported last week that the Chinese military flexed its muscles by deploying fighter jets to the South China Sea. The newspaper also indicated that this could be a response to the freedom of navigation missions that the US has carried out in the region. While antagonism continues to grow and both powers continue to assert dominance, war in the region is unlikely as both countries have too much to lose. Both countries have repeatedly spoken out against their intention of instigating a war. What we're seeing now is merely a form of gunboat diplomacy – where both countries are asserting their strength by displaying their military power. Xu Liping, a researcher on Asian-Pacific studies at the Chinese Academy of Social Sciences told South China Morning Post on Monday that, "The aircraft carriers' visits are only symbolic – to show that America still has a military presence in the region and that it is still a hegemon."

SCS conflict is cooling down, both powers know that it is impossible for them to win the ultimate battle. For this reason, in the long term "both sides will finally find out that there is no choice but to establish a common and inclusive security order with ASEAN Member States and other stakeholders (

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. Secondly, when we talk about sea power and sea control in our current times, it just means relative influence and comparative advantage in some maritime areas, because today's sea power is definitely an inclusive system rather than exclusive one. With China's rise, it is increasingly difficult for the United States to impose the Mahan doctrine on China in the South China Sea; and **no matter how far China develops, it is not likely to pursue so called "maritime hegemony," given United States' powerful forces in and around the South China Sea. After a long term competition, both sides will finally find out that there is no choice but to establish a common and inclusive security order with ASEAN Member States and other stakeholders.** China's policy and operations is far from expansionism in the South China Sea. For a long time, **China has adopted a policy of responding rather than moving first. From 2009 to 2014, China had mainly been responding to the aggressive policies and operations of Vietnam and the Philippines; since 2015, China has been mainly responding to the United States' increasingly provocative moves such as more frequent and intense FONOPs, close reconnaissance and wargame exercise.** It's natural that China's power presence and military capacity are being improved when China is powerful, and as the largest South China Sea littoral state, China does have the right to have a powerful presence in the South China Sea. China has frequently been accused for "aggressive assault on the freedom of the seas" by some Western media, but neither Western officials nor their experts can show any specific evidence

SCS is at best a stalemate

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. 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.

The temperature as decreased in the SCS

Hass 17 Ryan Hass, 12-20-2017, "Risk of U.S.-China confrontation in the East China Sea," Brookings,

<https://www.brookings.edu/opinions/risk-of-u-s-china-confrontation-in-the-east-china-sea/> //DF

During this same period, the maritime dispute between China and Japan in the East China Sea garnered less attention. Unlike the South China Sea, there were no new islands being constructed out of sand, no high-stakes arbitral rulings, and no sharp policy debates in Washington that spilled out into the press. Despite the lower profile, the dispute in the East China Sea may carry greater risk of drawing the United States into conflict with China than the various disputes in the South China Sea. Here's why: First, the situation in the South China Sea is and will remain at a stalemate. As Singaporean official Bilahari Kausikan has observed, Washington cannot force Beijing to abandon the artificial islands it has constructed or stop China from deploying military assets on them without risking a military conflict. By the same standard, China cannot stop the United States from operating in the area without risking a major conflict that would expose Chinese forces to significant risk of defeat and potentially result in the rapid destruction of its artificial islands. In other words, neither roll-back nor exclusion are policy options that attract serious consideration by governments in Beijing or Washington. Second, the geopolitical temperature on the South China Sea has gone down considerably over the past year. Reasons for this include: President Trump's de-emphasis of the issue as an element of the U.S.-China relationship; Beijing's prioritization of regional economic integration via the Belt and Road Initiative; and Southeast Asian countries' growing wariness of poking China on the South China Sea and preference instead for focusing on regional connectivity and negotiations toward a China-ASEAN Code of Conduct.

Quiano 18 Kathy Quiano and Ben Westcott, Cnn, 4-9-2018, "Philippines President Duterte says he needs China, 'loves' Xi Jinping," CNN,

<https://www.cnn.com/2018/04/09/asia/duterte-xi-jinping-boao-forum-intl/index.html> //DF

Philippines President Rodrigo Duterte has effusively praised China and its strongman President Xi Jinping on the eve of attending Beijing's signature Boao Forum. Speaking in Manila on Monday prior to his trip to China, Duterte said the Philippines needed to deepen ties with Beijing because China is willing to invest in his country. "I need China. More than anybody else at this point, I need China," Duterte said. "I simply love Xi Jinping. He understood, he understands my problem and is willing to help, so I would say thank you China." Every year, China holds a meeting of regional political and business leaders called the Boao Forum in the southern province of Hainan, similar to the World Economic Forum in Davos, Switzerland. The controversial Philippines President is expected to hold a bilateral meeting with Xi on the sidelines of the forum, and said on Monday infrastructure investment would be on top of the agenda. "Our destiny lies in Asia, not in the Middle East but they're too busy fighting and they don't have money. If you don't have money, you're not my friend. So I go to China. Plenty of money," Duterte said. It isn't the first time Duterte has spoken passionately about shifting closer to Beijing politically. In October 2016, he unexpectedly announced a military and economic "separation" from the United States during a Beijing trip. While the Philippines leader quickly backed down on his bold declaration, China's Xi nonetheless signed 13 bilateral deals with him on their first meeting, including on trade and investment. Duterte close to Trump The Philippines has been a close ally and partner of the United States for decades, while its relationship with China soured early in 2016 amid the ongoing dispute over territory in the South China Sea. But under Duterte, who took power in June 2016, the country's foreign policy has been turned on its head. Duterte had a fractious relationship with former US President Barack Obama, whose administration pressed the Philippines leader on his bloody war on drugs, which left thousands dead. In September 2016, Duterte called Obama a "son of a bitch," leading to the US administration canceling a planned bilateral meeting.

Friedman 17 George Friedman [Hungarian-born U.S. geopolitical forecaster, and strategist on international affairs. He is the founder and chairman of Geopolitical Futures, a new online publication that analyzes and forecasts the course of global events], Xander Snyder and Cheyenne Ligon, 4-3-3017, "Chinese Military Installations in the South China Sea," Geopolitical Futures, <https://geopoliticalfutures.com/chinese-military-installations-south-china-sea/> //DF

The next day, the Chinese Foreign Ministry denied that China had intentions of building anything—including an environmental facility—on Scarborough Shoal, and a correction was issued to remove Xiao's comments regarding Scarborough Shoal construction from the Hanan Daily, a state-backed newspaper. Duterte responded to China's revised position by claiming that he doesn't believe China would build on the shoal "out of respect for our friendship." Conclusion Diplomatic spats between China and the other claimants in the South China Sea are, for now, just that—spats. China is building up military capabilities on the contested reefs, but the installations are primarily for defensive purposes. The SAMs [surface-to-air missiles] China installed on the reefs are mainly air area denial tools with a limited range of 124 miles, meant to shoot down incoming enemy planes. China's planes spotted at these South China Sea installations have also been largely defensive (such as the J-11 fighter jet, which is used to maintain air superiority over the islands). The position of the reefs is also defensive: The location of the Parcel Islands gives China the ability to block Taiwanese or Philippine access to its Hainan submarine base. However, it is possible that Chinese involvement on these reefs could progress from a defensive nature to a more offensive one. The occasional presence of Xian JH-7 fighter bombers and the construction of large harbors that can accommodate the largest ships in the People's Liberation Army Navy's fleet indicate China's interest in demonstrating that it could, if provoked, carry out future attacks from these islands. Additionally, if Scarborough Shoal becomes another base of Chinese operations, it sits close enough to the Philippines to pose an offensive threat, regardless of whether China considers it a defensive position. For now, like all Chinese moves in the South China Sea, it is just a bluff meant to make China look bigger and scarier than it actually is.

<https://thediplomat.com/2018/04/the-south-china-sea-reality-is-slowly-sinking-in/>

Tensions have reached a new normal (Valencia - East Asia Forum)

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.**

There is stability in the SCS due to regional agreements (Xiaoming - Guardian)

Liu **Xiaoming**, 6-27-2018, "China will not tolerate US military muscle-flexing off our shores," Guardian,

<https://www.theguardian.com/commentisfree/2018/jun/27/china-not-tolerate-trump-military-muscle-south-china-sea> (NK)

The former is an excuse to throw America's weight about wherever it wants. It is a distortion and a downright abuse of international law into the "freedom to run amok". Second, is there any problem with freedom of navigation in the South China Sea? The reality is that more than 100,000 merchant ships pass through these waters every year and none has ever run into any difficulty with freedom of navigation. **Despite some disputes between China and some of its neighbours, maintaining stability in the South China Sea has been a matter of consensus for all the countries in this region. The overall situation has been stable, thanks to the joint efforts of all the regional partners. Last August, for example, the foreign ministers of China and the Association of Southeast Asian Nations (Asean) countries agreed on the framework of a code of conduct.** The parties have agreed to hold at least three more rounds of consultations before the end of this year. The South China Sea is calm and the region is in harmony. The so-called "safeguarding freedom of navigation" issue is a bogus argument. The reason for hyping it up could be either an excuse to get gunboats into the region to make trouble, or a premeditated intervention in the affairs of the South China Sea, instigation of discord among the parties involved and impairment of regional stability.

China is militarising for defensive purposes (Xiaoming - Guardian)

Liu **Xiaoming**, 6-27-2018, "China will not tolerate US military muscle-flexing off our shores," Guardian,

<https://www.theguardian.com/commentisfree/2018/jun/27/china-not-tolerate-trump-military-muscle-south-china-sea> (NK)

What is "militarisation" or "troublemaking" if not this blatant show of force? Instead of getting this straight, some countries followed suit by condescendingly accusing China of "not playing by the rules". This is not only making a mess of the regional situation but also assisting the troublemakers. **China is naturally vigilant and on guard against provocations and needs to increase its defensive capabilities, such as building necessary facilities on its islands. This is the responsibility and right of a sovereign country.** These facilities, while serving the purpose of safeguarding the sovereignty and security of China, will also provide relevant navigational services to ships and aircraft passing through this region and help ensure the openness and safety of the shipping and flight routes. China is the biggest littoral state in the South China Sea and it is firmly committed to peaceful development, to peace and stability in the South China Sea and to regional prosperity and growth. There is no doubt about this.

The current approach is working. Mogato 17 explains: China has assured the Philippines it will not occupy new features or territory in the South China Sea, under a new status quo.

Mogato 2017 (Manuel Mogato, Journalist for Reuters AUGUST 15, 2017 “Philippines says China agrees on no new expansion in South China Sea”

<https://www.reuters.com/article/us-southchinasea-philippines-china/philippines-says-china-agrees-on-no-new-expansion-in-south-china-sea-idUSKCN1AV0VJ> DOA: 7/3/18)

ESM

China has assured the Philippines it will not occupy new features or territory in the South China Sea, under a new “status quo” brokered by Manila as both sides try to strengthen their relations, the Philippine defense minister said. Philippine Foreign Secretary Alan Peter Cayetano also said the **Philippines was working on a “commercial deal” with China to explore and exploit oil and gas resources in disputed areas of the South China Sea with an aim to begin drilling within a year.** The defense minister, Delfin Lorenzana, told a congressional hearing **the Philippines and China had reached a “modus vivendi”, or a way to get along, in the South China Sea that prohibits new occupation of islands.** **“The Chinese will not occupy new features in the South China Sea nor they are going to build structures in Scarborough Shoal.”** Lorenzana told lawmakers late on Monday, referring to a prime fishing ground close to the Philippines that China blockaded from 2012 to 2016.

The Star Editors, 6-14-2018, "South China Sea 'stable without outsider meddling'," The Star Online, <https://www.thestar.com.my/news/regional/2018/06/14/south-china-sea-stable-without-outsider-meddling/> //SWG

BEIJING: **The situation in the South China Sea has stabilised and will remain stable as long as countries outside the region refrain from making trouble,** State Councillor and **Foreign Minister Wang Yi** said. “China and member countries of Asean will speed up consultation on the Code of Conduct in the South China Sea on the basis of comprehensive and effective implementation of the Declaration on the Conduct of Parties in the South China Sea,” Wang said during a meeting with Asean Secretary-General Lim Jock Hoi.

Eimor Santos., 6-29-2018, "China, ASEAN agree to move forward with negotiations on South China Sea code of conduct," CNN, <http://cnnphilippines.com/news/2018/06/29/China-ASEAN-negotiations-South-China-Sea-code-of-conduct.html> //SWG

Metro Manila (CNN Philippines, June 29) — **Members of the Association of Southeast Asian Nations (ASEAN), which includes the Philippines, struck an agreement with China to move forward with negotiations for a code of conduct (COC) in the South China Sea.** The code, which will define what the six claimants to the South China Sea can and cannot do in the disputed waters, was discussed during the 15th senior officials' meeting on the implementation of the Declaration on the Conduct (DOC) of Parties in the South China Sea, held in Changsha City, Hunan Province in China this week.

Link – FONOPS

Stashwick 17 Steven Stashwick, 8-22,2-17, “Leveraging US Military Power in South China Sea,” The Diplomat, <https://thediplomat.com/2017/08/leveraging-us-military-power-in-south-china-sea/> //DF
The biggest hurdle to such an agreement is the unwillingness of either country to be seen as conceding to the other. For the United States, scaling back its military presence in the South China Sea would communicate diminished regional influence. For China, to abandon the massive island military outposts it has built would concede that its “rise” has fallen short, and would bear untenable comparisons to imperial China’s capitulations during the “Century of Humiliation,” which many Chinese policies in the South China Sea today ostensibly aim to rectify. The solution is not for either country to concede current ground or presence in the region, but to concede those prospective build-ups and capabilities that would fuel more intense competition. Many analysts believe China will use any substantial increases in U.S. military presence in the South China Sea as pretext to deploy forces to its (for now) largely empty bases in the Spratly Islands. But if China agrees to keep its fighter squadrons and missile regiments on the mainland in return for the United States keeping its (as-yet notional) expeditionary containment capabilities out of the Western Pacific, a tense but fundamentally peaceful status quo in the South China Sea can be preserved without either power being seen to withdraw. Implicit acceptance of the status quo may be dissatisfying, but it saves all parties the humiliation of officially conceding their claims, and has the virtue of being a dissatisfaction that is equitably distributed.

Erickson 15 Andrew Erickson [Associate Professor, China Maritime Studies Institute, U.S. Naval War College], 7-23-2015, “Testimony of Andrew Erickson: Hearing on America’s Security Role in the South China Sea,” Testimony before the Testimony before the House Committee on Foreign Affairs Subcommittee on Asia and the Pacific, <http://docs.house.gov/meetings/FA/FA05/20150723/103787/HHRG-114-FA05-Wstate-EricksonA-20150723.pdf> //DF

As mentioned previously, the enhanced legitimacy gained through ratification of UNCLOS would aid PACOM in several ways. First, legitimacy gives FON assertions and diplomatic protests more weight, and leaves nations such as China constrained in their ability to challenge U.S. action. **Because UNCLOS is almost universally accepted, U.S. actions would receive “tacit support” from the 160 nations party to the convention allowing commanders to more aggressively assert navigational rights within the approved framework of UNCLOS** should diplomacy fail.⁶⁶ In other words, after military capability, legitimacy is the second prong necessary to unilaterally conduct effective FON assertions in the SCS. Unilateral action is always the last resort, and ratification of UNCLOS helps dramatically increase the legitimacy of U.S. FON assertions when viewed from a multinational vantage point. Rhetoric marching lock step with action will decrease PACOM difficulties convincing SCS nations that U.S. interests are not just self-serving. Although self interest plays a part, the externalities of the U.S. FON program help all coastal and maritime nations, especially those like the Philippines who do not have a strong blue water navy able to conduct these assertions on their own. Restated, ratification of the convention shows our allies and partners that we are committed to international law and a global “partnership of maritime nations sharing common goals and values.”⁶⁷ Additionally, legitimacy serves to underpin United States assertions that we are committed to the rule of law; critical if the U.S. hopes to achieve maritime security goals in the SCS. Looking closely at the EP-3 incident from 2001, notably absent is any real resolution of the underlying issues. Mainly the serious disconnect between Chinese and U.S. interpretations of UNCLOS provisions as related to military activities in the EEZ. Moreover, other than saber rattling by the U.S. and China, our closest allies in the region failed to lodge strong protests against this clear violation of UNCLOS. At best this shows other regional powers at least marginally acknowledge Chinese EEZ regulations, and at worst brings into question whether international powers fully believe U.S. actions are completely legitimate. Ratification eliminates that seam and the increased legitimacy gained helps U.S. allies come to our defense should similar issues arise in the future.

Charlotte Gao, 3-26-2018, "After US FONOP, China Intensifies Military Drills in South China Sea," **Diplomat,**

<https://thediplomat.com/2018/03/after-us-fonop-china-intensifies-military-drills-in-south-china-sea/>
//AM

According to Reuters' exclusive report, USS Mustin "traveled close to Mischief Reef in the Spratly Islands and carried out maneuvering operations." A spokeswoman for U.S. Pacific Fleet added: "We conduct routine and regular freedom of navigation operations, as we have done in the past and will continue to do in the future." This "freedom of navigation operation" instantly triggered China's harsh condemnation. Also on March 23, **China's Defense Ministry** released a strongly worded statement, in which spokesperson Ren Guoqiang referred to this U.S. operation as a "serious political and military provocation." Claiming that "China resolutely opposes such actions," Ren **warned the United States that such actions** "could lead to misjudgment and even accidents" and **"would only drive the Chinese military to continue to improve its defense capabilities."** He also revealed that two Chinese vessels had identified USS Mustin and warned it off.

Alex Lockie, 1-13-2017, "China expert: Tillerson's plan for the South China Sea would 'certainly end up in a shooting war with China'," **Business Insider,**

<http://www.businessinsider.com/tillerson-south-china-sea-war-2017-1> //AM

"The bottom line is the international waters are international waters, and we have got to figure out how do we deal with holding on to the kind of rules that we have made over many years," Mattis said on Thursday. Tillerson seems to want to stop China from operating in international waters. And his testimony contained a major contradiction, Glaser said. "Tillerson did say that there would not be any change to the US position on recognizing China's sovereignty on land features in the South China Sea," Glaser told Business Insider. "If we don't object to China's land claims, do we have a legal right to deny China access to its sovereign territory?" Furthermore, if the US tried to blockade China from the islands in the South China Sea, "that position would result in conflict," Glaser said. **If the US were to place "a cordon of ships around one or all of the islands,** and the Chinese flew in aircraft to one of their new islands, what are we going to do? Shoot it down?" Glaser said. **"We'd certainly end up in a shooting war with China."** Short of shooting the planes and killing the pilots, what would stop Chinese aircraft from landing on Beijing's claimed islands in the South China Sea? Xinhuanet However, some legal experts side with Tillerson. In a piece published Thursday in Lawfare, James Kraska of the Naval War College wrote this: "China's interference with US warships and military aircraft in the South China Sea constitute a breach of its legal obligations under UNCLOS (United Nations Convention on the Law of the Sea) and customary international law and are internationally wrongful acts within the law of state responsibility. In such law, injured states are entitled to take lawful countermeasures to induce compliance, such as withholding recognition of China's right to freedom of navigation and overflight in the South China Sea to block access to its islands." But both Glaser and outgoing US Secretary of State John Kerry believe the US will take a more peaceful approach than outlined by Tillerson.

FONOPs could result in war

Farley 17 Robert Farley, 8-11-2017, "All of the Terrifying Ways America and China Could Go To War in the South China Sea," National Interest,

<https://nationalinterest.org/blog/the-buzz/all-the-terrifying-ways-america-china-could-go-war-the-south-21864> //DF

Over the past several months, China has stepped up construction of what observers are calling "The Great Wall of Sand." This "great wall" involves expanding a group of islands in the Spratly chain so that they can support airstrips, weapons, and other permanent installations. It appears that Beijing is committed to defending these new islands as an integral parts of Chinese territory, a position that the UN Convention on the Law of the Sea does not support. Washington has other ideas, and has maintained that it will carry out freedom-of-navigation patrols in areas that China claims as territorial waters. The prospects for conflict are clear. If U.S. ships or aircraft enter waters that China claims, then Chinese sailors, soldiers, and pilots need to take great care about how they respond. A militarized response could

quickly lead to escalation, especially if American forces suffer any kind of serious damage. It's also easy to imagine scenarios in which island-building leads China to become embroiled against an ASEAN state. In such a case, a freedom-of-navigation patrol could put China in an awkward position relative to the third party.

Mark J Valencia, National Institute for South China Sea Studies, May 26th 2018, "A 'new normal' in the South China Sea?" <http://www.eastasiaforum.org/2018/05/26/a-new-normal-in-the-south-china-sea/>

The United States and China have apparently reached a tacit agreement to disagree and maintain a leaky status quo in the South China Sea. Not coincidentally, relations on this issue between ASEAN claimants and between ASEAN and China are more or less at the same place.

In this 'new normal', **the United States will continue its freedom of navigation operations (FONOPs) challenging what it views as China's (and others') 'illegal' maritime claims. But it will not publicise them as China views doing so as purposely stirring up domestic Chinese nationalists.** The United States will also continue to argue — some would say disingenuously — that it is defending the freedom of navigation that is threatened by China's 'militarisation' of the features it occupies and in doing so is upholding 'international law and order'.

The United States will not try to remove Chinese (or other) forces on the disputed features, nor will it 'blockade' them. **The United States will continue to criticise China's positions and actions and try to convince others of the righteousness of US policy and its actions in implementing it. Washington will also continue to strengthen its military relationships with its allies, 'strategic partners' and 'friends' in the region and to provide them with training and assets to help it in its self-appointed task. It will also urge ASEAN members to negotiate a binding, robust code of conduct for actions taken in the disputed areas in the South China Sea.**

The United States has successfully recruited Japan to join its struggle against China. Japan's new defence policy criticises China's 'unilateral moves to change the status quo and attempts to establish such changes as accomplished facts' in sea lanes critical to Japan. To counter such moves, Japan plans to enhance the capability of countries situated along these sea lanes to protect them — including in the South China Sea.

Link – Tribunals

Hank Johnson, The Diplomat, 4-18-2016, "Why the US Needs to Ratify UNCLOS," Diplomat, <https://thediplomat.com/2016/04/why-the-us-needs-to-ratify-unclos/> (NK)

To quote U.S. Navy Adm. Harry B. Harris Jr. (commander of U.S. Pacific Command) from the recent House Armed Services Committee Hearing on February 24 on the Pacific Theater, "I think that in the 21st century our moral standing is affected by the fact that we are not a signatory to UNCLOS." As the world's preeminent maritime power and the foremost champion of rule of law, this reluctance to join UNCLOS undermines

American economic and national security interests. **Ratifying UNCLOS will afford the United States a stronger position when critical maritime decisions are being debated and negotiated – such as the various territorial disputes between the China and its neighbors.** To quote my fellow Armed Services member Rep. Joe Courtney, who said at the same HASC hearing on the Pacific Theater: "...we're allowing litigation to proceed where the consequences in terms of military strategy and resources of this country in the Asia Pacific could hinge on the outcome of that claim and we're completely shut out... We've done this to ourselves." My colleague is exactly right. We have shut ourselves out of an international rule of law based process that the U.S. military upholds around the world – a process that reinforces diplomacy and ensures the freedom of navigation we so passionately defend across the globe.

<https://qz.com/527865/differing-interpretations-of-international-law-could-spark-major-naval-conflict-between-the-us-and-china/>

UNCLOS ratification would never resolve SCS disputes. Fuchs 16 explains: there's no reason to believe that Beijing would submit to the tribunal's authority because 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.

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>

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.** Third, there is nothing hypocritical about the United States calling on members of the international community to respect the legal commitments to which they have voluntarily pledged. The principle of adherence to rule of law is distinct from participation in specific legal regimes. Moreover, the United States has been clear that its overriding interest in the South China Sea is peaceful resolution of disputes, something UNCLOS can facilitate if all parties agree to comply with its requirements.

Just makes China more agro

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.

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. The short announcement included the dates of the drill, the geographic coordinates of the area, and the terse warning: “Entering prohibited.” China made a similar announcement earlier this month when it cordoned off a larger area of the sea for drills that included live-fire war games and lasted from July 5 to July 11—ending one day before the ruling. The problem with both drills is the “entering prohibited” part. China has every right to conduct military drills. But it doesn’t have a right to cordon off the high seas, even in its own exclusive economic zone (EEZ), as per the United Nations Convention on the Law of the Sea, the main treaty of international maritime law. China signed the treaty in 1996, but Beijing’s response to the international tribunal’s ruling, and its military exercises in the area, suggest it has no intention of complying with it.

<https://thediplomat.com/2012/02/why-to-forget-unclos/>

Where customary international law has protected the traditionally expansive understanding of freedom of the seas – allowing open access to all but narrow bands of territorial waters along national coastlines – China is trying to curtail that access, fence off its peripheral waters, and deny to other maritime nations the freedom of navigation they have long and lawfully enjoyed. **What’s the argument for signing UNCLOS when China itself doesn’t adhere to the law? When it turns out that the letter of the law is less clear than its proponents think? Given these problems, U.S. ratification of**

UNCLOS won't resolve Sino-U.S. disagreements; it will only lead to endless legal and diplomatic wrangling.

Schake 16 Kori Schake, 7-14-2016, "Why Americans should care about the South China Sea," latimes, <http://www.latimes.com/opinion/op-ed/la-oe-schake-south-china-sea-ruling-20160714-snap-story.html> //DF
What makes China's policy in the South and East China seas so curious is that it is so contrary to the government's description of its "peaceful rise." At the most recent meeting of the Association of Southeast Asian Nations — a regional organization not notable for taking tough, principled stands on security issues — the group issued a unanimous condemnation of China before governments got cold feet and retracted it. China's behavior is so egregious that other countries now blow up the country's vessels captured in their waters. It should worry China that so many nations overpowered by it militarily and linked to it economically are willing to challenge it. **In the aftermath of the court decision, China likely will test the U.S.'** readiness to uphold the rules, creating military provocations that could escalate into war. It will **redouble the use of civilian fishing fleets for military purposes and likely will try to intimidate Asian countries** over which it has economic leverage. **The government will argue that because the U.S. is not an Asian power, it should not be allowed to set the rules in Asia.** It is reasonable to ask why Americans should care about uninhabited rocks in the South China Sea. Would we really risk war over that? The answer is that war will become more likely if we do not run the risks of enforcing the rules that every country in Asia except China accepts.

<https://www.theguardian.com/world/2016/jul/12/philippines-wins-south-china-sea-case-again-st-china>

Ashley Townshend, a scholar at the University of Sydney's United States Studies Centre, said the tribunal's decision to disqualify China's "nine-dash" claim on the basis of historic rights was "a huge setback for Beijing". **China had stirred up so much nationalism over the South China Sea issue that it would now have to respond in some way. "In terms of China's domestic politics [the ruling] is unacceptable to the regime and unfortunately the regime will perceive that the Chinese people view that as unacceptable," Townshend predicted. "So there will be huge pressures on Beijing to respond, to save face, to demonstrate with more than just words that it doesn't abide by and doesn't credit the ruling with any legal validity and will not adhere to it and will defend its 'sovereign space' in the South China Sea.**

<http://www.latimes.com/opinion/op-ed/la-oe-schake-south-china-sea-ruling-20160714-snap-story.html>

In the aftermath of the court decision, China likely will test the U.S.' readiness to uphold the rules, creating military provocations that could escalate into war. It will **redouble the use of civilian fishing fleets for military purposes and likely will try to intimidate Asian countries** over which it has economic leverage. **The government will argue that because the U.S. is not an Asian power, it should not be allowed to set the rules in Asia.**

Link – Multilateralism

Impact – War

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

Intense nationalist sentiments fueled by Chinese leaders make war possible

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.

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 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.

Chinese leaders have made these nationalist sentiments

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

Last year China's defense minister, General Chang Wanquan , implored the nation to ready itself for a "people's war at sea ." The purpose of such a campaign? To "safeguard sovereignty" after an adverse ruling from the International Tribunal for the Law of the Sea . The tribunal upheld the plain meaning of the UN Convention on the Law of the Sea (UNCLOS), ruling that Beijing's claims to " indisputable sovereignty " spanning some 80-90 percent of the South China Sea are bunk. A strong coastal state, in other words, cannot simply wrest away the high seas or waters allocated to weaker neighbors and make them its own. Or, at any rate, it can't do so lawfully. It could conceivably do so through conquest, enforced afterward by a constant military presence. Defenders of freedom of the sea, consequently, must heed General Chang's entreaty. Southeast Asians and their external allies must take such statements seriously—devoting ample forethought to the prospect of marine combat in the South China Sea. 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.

Yann-Huei 08 Song Yann-Huei, 2-1-2008, "The growing danger in the Strait," TaipeiTimes, <http://www.taipetimes.com/News/editorials/archives/2008/02/01/2003399787> //DF

Third, the US senate passed a resolution regarding the ratification of the UN Convention on the Law of the Sea (UNCLOS) in December last year, in which it is stipulated that US submarines need not surface while passing through foreign territorial waters; furthermore, it defines the Taiwan Strait as one of the "straits used for international navigation," allowing "transit passage" rights, as outlined in Part III of UNCLOS. If the US ratified UNCLOS, this could cause conflict with China due to Beijing's interpretation of the rights of vessel passage and aircraft fly-overs in the Taiwan Strait according to international law. Fourth, China has decided to construct a new commercial aviation route along the western side of the centerline (or "Davis Line") through the Taiwan Strait, and redefine the Taipei Flight Information Region (FIR) as the ninth in China's 11 FIRs. This change would significantly influence the national security, aviation routes, and military deployment of Taiwan, Japan and the US.

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.

Cronin 16 Dr. Patrick Cronin [Senior Advisor and Senior Director, Asia-Pacific Security Program], 11-10-2016, "Power and Order in the South China Sea," Center for a New American Security, <https://www.cnas.org/publications/reports/power-and-order-in-the-south-china-sea> //DF

Rachman is hardly the first, but is among the latest to describe a gradual global power shift from West to East, and from the Atlantic to the Pacific and Indian Oceans.¹⁵ This diffusion of power is a long-term trend after centuries of greater Western influence, dating from the 15th century and clearly making its mark by the 18th century. That pace has undoubtedly quickened in the past half-century. Even in historical terms, the recent rise of Asia in general and China in particular is astounding. Numerous statistics and forecasts document the magnitude of the power shift. Most assuredly, by 2025 about two-thirds of the world's population will call Asia home. More speculatively, the National Intelligence Council—which is preparing to roll out a new estimate—declared in its 2012 forecast that "In a tectonic shift, by 2030, Asia will have surpassed North America and Europe combined, in terms of global power, based upon GDP, population size, military spending, and technological investment."¹⁶ Even if that estimate proves to be technically true, it feeds into a storyline that obscures other important realities. In the first place, straight-line projections amid myriad variables and the vicissitudes of international politics beg for caution. Linear projections about future Asian growth and U.S. decline suggest that more is known about tomorrow than is humanly possible. Indeed, in the midst of writing his trenchant book, Rachman becomes acutely aware of how quickly fortunes can change. In 2015, Rachman observes, "China experienced a sharp slowdown in growth, a spectacular plunge in the stock market, an increasingly harsh political crackdown on domestic dissent, and the arrest or interrogation of high profile political, media and business figures." He then draws an obvious inference: "It may well be that China's economy will slow sharply in the coming years and will fall well short of the 7 percent growth a year that President Xi told my group was his aim, for the years running up to 2020."¹⁷ He might have extrapolated even further. If one cannot forecast a year ahead, what does this portend for forecasts that span decades? Moreover, the bigger challenge for the United States and Southeast Asian region might not be the continued rise of China as much as the faster-than-expected slowdown of China. An economically weakened China, fueled by nationalism and clinging to a heightened sense of entitlement, could well be the most dangerous combination.¹⁸

Gretchen Schrock-Jacobson, The Violent Consequences of the Nation: Nationalism and the Initiation of Interstate War, The Journal of Conflict Resolution, Vol. 56, No. 5 (October 2012), pp. 825-852

The percentage of nonnationalist states initiating a war is significantly smaller than the percentage of states with any form of nationalism initiating a war. Approximately 56 percent of ethnic nationalist states and 56 percent of counterrevolutionary nationalist states initiated wars, while 37 percent of civic nationalist states and 50 percent of revolutionary nationalist states did. Ethnic and counterrevolutionary nationalism may drive the positive relationship between nationalism and interstate war initiation found earlier. A rare-events logit regression supports this assertion. Table 4 shows that ethnic and counterrevolutionary nationalism increase interstate war's likelihood. Hypothesis 3 and part of Hypothesis 4 find some support. However, the significance of counterrevolutionary nationalism's effect is weak so any conclusions made in that regard are tentative.

R2R

We negate, resolved: the United States should accede to the United States Convention on the Law of the Sea.

Our sole contention is Provoking Conflict with China.

China's recent actions in the South China Sea have been driven by deep, historically-based security concerns. Because of a long history of territorial loss and domination, modern Chinese nationalism prioritizes preventing rivals from occupying nearby territory.

Steven Stashwick explains in a 2017 Diplomat article 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.

This promise has largely been fulfilled, as Stashwick furthers that the area has largely settled into stalemate between the US and China.

This is confirmed by Xu Bo of the National Interest on August 20th, writing: the situation in the South China Sea is cooling down. 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 balanced. no matter how far China develops, it is not likely to pursue so called "maritime hegemony," given United States' powerful forces in and around the South China Sea. After a long term competition, both sides will finally find out that there is no choice but to establish a common and inclusive security order.

However, US accession to the law of the sea treaty would rock the boat. Ratification would destroy the careful balance being maintained in the South China Sea, by inflaming Chinese nationalist insecurities about being encircled by the West. Zhang Liu writes in the 2016 International Policy Digest: China became cautious about numerous international laws, which the PRC perceived as imperial weapons serving the agendas of Western powers.

This would happen in two ways.

First, encirclement.

Joining UNCLOS would strengthen America's efforts to persuade the smaller states in the South China Sea. Cardin of the Diplomat writes: Joining UNCLOS would communicate that for the United States, resolution of maritime disputes in the South China Sea is not a question of being for or against any particular country or its claims, but rather for being on the side of international law, institutions and norms.

Valencia writes this May: Washington will also continue to strengthen its military relationships with its allies, 'strategic partners' and 'friends' in the region and to provide them with training and assets to help it in its self-appointed task. It will also urge ASEAN members to negotiate a binding, robust code of conduct for actions taken in the disputed areas in the South China Sea.

Chinese officials, who see this area as their backdoor, would see these actions as encirclement.

Second, diplomatic pressure.

Acceding to the law of the sea would trigger Chinese nationalist backlash by subjecting Beijing to Western authority. Hank Johnson argues in a 2016 article in the Diplomat that US ratification of the Law of the Sea because will afford the United States a stronger position when critical maritime decisions are being debated and negotiated – such as the various territorial disputes between the China and its neighbors.

One major way that the US would play a role in dispute resolution would be with tribunals, which are international courts set up by the law of the sea to resolve disputes.

In 2016, one of these tribunals ruled that China's claims to areas around the Philippines were violations of international law. Michael Fuchs writes in the National Interest in 2016 that 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.

Tom Phillips at the Guardian writes in 2016 that China had stirred up so much nationalism over the South China Sea issue that it would now have to respond in some way. "In terms of China's domestic politics the ruling is unacceptable to the regime, so there will be huge pressures on Beijing to respond; to demonstrate with more than just words that it doesn't abide by the ruling and will defend its 'sovereign space' in the South China Sea.

More tribunals only aggravate China and they use military force in response. Kori Schake writes in 2016 that after previous ruling: In the aftermath of the court decision, China likely will tested the U.S.' readiness to uphold the rules, creating military provocations that could escalate into war. It will redoubling the use of civilian fishing fleets for military purposes and likely will try to intimidate Asian countries over which it has economic leverage.

While China is not likely to challenge the US directly, they are more likely to make an example of out another nation to rally national support, as they have in the past. Jason Tham writes in the Diplomat in March: when regional geopolitics shifts to one more antagonistic to Beijing's interests, there is a very real chance that it teaches its neighbours a lesson by invading them – like how it taught Vietnam a painful lessons during the 1979 Third Indochina War. In the Vietnam case alone, 50,000 people died in the struggle, even though it only lasted six weeks.