# KG September – October 18’ Law of Sea

**Resolved: The United States should accede to the United Nations Convention on the Law of the Sea.**

## Topic Background

### Timeline

**1956- The United Nations holds its first Conference on the Law of the Sea (UNCLOS I) at Geneva, Switzerland.**

**1958- UNCLOS I concludes, resulting in four treaties and was generally considered a success.**

**1960- The United Nations holds the second Conferences on the Law of the Sea (UNCLOS II); however, the six-week Geneva conference did not result in any new agreements.**

**1962- The Convention on the Territorial Sea and Contiguous Zone is entered into force on September 10th.**

**1962- The Convention on the Continental Shelf, an international treaty created to codify the rules of international law relating to continental shelves, is put into force. The treaty dealt with seven topics: the regime governing the superjacent waters and airspace; laying or maintenance of submarine cables or pipelines; the regime governing navigation, fishing, scientific research and the coastal state's competence in these areas; delimitation; tunneling.**

**1962- The Convention on the High Seas, an international treaty which codifies the rules of international law relating to the high seas, otherwise known as international waters is put into force on September 30th.**

**1966- The Convention on Fishing and Conservation of Living Resources of the High Seas, an agreement that was designed to solve through international cooperation the problems involved in the conservation of living resources of the high seas, considering that because of the development of modern technology some of these resources are in danger of being overexploited, is put into force on April 29th.**

**1967- Arvid Pardo of Malta calls to attention the issue of varying claims of territorial waters was raised in the UN.**

**1973- The Third United Nations Conference on the Law of the Sea was convened in New York. In an attempt to reduce the possibility of groups of nation-states dominating the negotiations, the conference used a consensus process rather than majority vote.**

**1982- A total of 160 nations join the conference, and it finally concludes with decisions made.**

**1983- President Ronald Reagan issues the United States Oceans Policy Statement, supported by National Security Decision Directive 83, which documents the U.S. view that UNCLOS reflects customary international law and fulfils U.S. interest in “a comprehensive legal framework relating to competing uses of the world’s oceans.”**

**1994- The resulting convention came into force on 16 November, when the 60th country, Guyana ratified UNCLOS.**

**2012- Hearing before the United States Senate Committee on Foreign Relations debating the issue of ratification.**

**2018- Since its adoption in 1982, 167 states have joined the treaty, including Russia, China, and the European Union. But despite its acceptance in much of the world, the U.S. has not joined the treaty, with the most recent ratification attempt failing to get the requisite two-thirds of votes in the Senate.**

## Topic Analysis

**The Law of the Sea Convention defines the rights and responsibilities of nations with respect to their use of the world’s oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources. The Convention, concluded in 1982, replaced four 1958 treaties. UNCLOS came into force in 1994, a year after Guyana became the 60th nation to sign the treaty. As of June 2016, 167 countries and the European Union have joined in the Convention. It is uncertain as to what extent the Convention codifies customary international law.** (<http://marinegyaan.com/what-is-unclos-united-nations-convention-for-the-law-of-the-sea/>)

**The resolution refers to the results of UNCLOS III, which is the most recent version of the law of the sea, replacing what happened in 1958. As of now, the United States of America has not ratified the UNCLOS, though it took part in the negotiations. The resolution uses the word ‘accede’ to refer to the ratification of UNCLOS which would occur in an affirmative world, while the negative defends the status quo.** (<https://en.wikipedia.org/wiki/United_Nations_Convention_on_the_Law_of_the_Sea>)

**The convention introduced a number of provisions. The most significant issues covered were setting limits, navigation, archipelagic status and transit regimes,**[**exclusive economic zones**](https://en.wikipedia.org/wiki/Exclusive_economic_zones)**(EEZs), continental shelf jurisdiction, deep seabed mining, the exploitation regime, protection of the marine environment, scientific research, and settlement of disputes.** (<https://en.wikipedia.org/wiki/United_Nations_Convention_on_the_Law_of_the_Sea>)

**Following nearly a decade of negotiations, UNCLOS was completed on December 10, 1982 at Montego Bay, Jamaica. Even at that time, the United States refused to sign the treaty. The United States, along with other industrialized states, took issue with aspects of the treaty (Part XI), which dealt with deep seabed resources beyond national jurisdiction. Largely at Washington’s instigation, negotiations continued and resulted in the Agreement relating to Implementation of Part XI of the Convention (1994 Agreement), completed in New York, July 28, 1994. Determining that the remaining deep seabed issues were resolved, on October 7, 1994, President Bill Clinton transmitted the Convention and the 1994 Agreement to the Senate for advice and consent. On November 16, 1994, UNCLOS entered into force, but without accession by the United States. The 1994 Agreement entered into force on July 28, 1996, also without U.S. ratification. To date, the treaty remains one of forty-five treaties (one dating back to 1945) awaiting Senate action – once referred to as the “world’s greatest deliberative body.”** (<https://thediplomat.com/2017/05/u-s-ratification-of-the-law-of-the-sea-convention/>)



**Official UNCLOS Text: <http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf>**

###  Definitions

**Should: Used to indicate obligation, duty, or correctness, typically when criticizing someone's actions.** (<https://en.oxforddictionaries.com/definition/should>)

**Accede: Agree to a demand, request, or treaty.** (<https://en.oxforddictionaries.com/definition/accede>)

**To: Used as a function word to indicate contact or proximity.** [(https://www.merriam-webster.com/dictionary/to](https://www.merriam-webster.com/dictionary/to))

**United Nations Convention on the Law of the Sea: It is also known as the Law of the Sea Treaty. It is the international agreement that determined the limits of the territorial seas of nations and the areas in which they could exploit marine resources; It also established the rules for the use of the high seas for international navigation, and outlined the rights and responsibilities of nations in the protection of the marine environments.** (<http://www.un.org/depts/los/convention_agreements/convention_overview_convention.htm> & SCRIBD)

**Without: In the absence of.** (<https://en.oxforddictionaries.com/definition/without>)

**Reservations: A doubt or reason for not accepting or agreeing with something completely, a limiting condition. (**[**https://dictionary.cambridge.org/us/dictionary/english/reservation**](https://dictionary.cambridge.org/us/dictionary/english/reservation) **&** [**https://www.merriam-webster.com/dictionary/reservation**](https://www.merriam-webster.com/dictionary/reservation)**)**

### Background

**Exclusive Economic Zones: An area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention.** [(http://www.un.org/Depts/los/convention\_agreements/texts/unclos/part5.htm)](http://www.un.org/Depts/los/convention_agreements/texts/unclos/part5.htm)

**Philippines & China: The arbitration case launched by the Philippines against China currently stands as the most significant, and most closely watched, development for specialists and observers of the maritime disputes in the South China Sea (SCS). To help observers navigate through this foggy proceeding, this article attempts to provide a focused overview of the arbitration case and developments in the bilateral dispute between the two parties.** [(https://amti.csis.org/arbitration-101-philippines-v-china/)](https://amti.csis.org/arbitration-101-philippines-v-china/)

**Rare Earth Metals: any of a group of chemically similar metallic elements comprising the lanthanide series and (usually) scandium and yttrium. They are not especially rare, but they tend to occur together in nature and are difficult to separate from one another.** [(https://www.google.com/search?q=rare+earth+metals&rlz=1C5CHFA\_enUS729US729&oq=rare+earth+metals&aqs=chrome.0.0l6.2203j0j1&sourceid=chrome&ie=UTF-8)](https://www.google.com/search?q=rare+earth+metals&rlz=1C5CHFA_enUS729US729&oq=rare+earth+metals&aqs=chrome.0.0l6.2203j0j1&sourceid=chrome&ie=UTF-8)

### Topic and Political Philosophy

**Political Catonism- Advocates for a more militaristic, hard lined approach towards foreigners along with sterner virtues.**

**Political Realism- Nations are always motivated by their best interest. Nations argue that the more power you have allows for one country to do better.**

**Political Liberalism- Identifies that broad ties between countries means that you cannot find the interests of one country. Advocates for more ties between countries and integration on national interests. Brought together by globalization, rapid rise in communications technology, international trade treaties.**

### Theory

**Disclosure Theory- Good**

**A. Interpretation: Debaters must, on the page on the NDCA wiki with the school they attend, disclose the taglines, full citations, and the first and last three words of any pieces of evidence read in their case which they have read in their case in a previous round at least thirty minutes before the round.**

**B. Violation: They have not posted cites.**

**C. Standards:**

**1. Research – disclosure increases research and gets rid of anti-educational arguments because debaters are forced to prepare cases knowing that people will have answers AND people get the opportunity to research answers to disclosed cases.**

Nails 13 - (Jacob [I am a policy debater at Georgia State University. I debated LD for 4 years for Starr's Mill High School (GA) and graduated in 2012.] "A Defense of Disclosure (Including Third-Party Disclosure)" [http://nsdupdate.com/2013/a-defense-of-disclosure-including-third-party-disclosure-by-jacob-nails/) GHS//GB](http://nsdupdate.com/2013/a-defense-of-disclosure-including-third-party-disclosure-by-jacob-nails/%29%20GHS//GB)

I fall squarely on the side of disclosure. I find that the largest advantage of widespread disclosure is the educational value it provides. First, disclosure streamlines research. Rather than every team and every lone wolf researching completely in the dark, the wiki provides a public body of knowledge that everyone can contribute to and build off of. Students can look through the different studies on the topic and choose the best ones on an informed basis without the prohibitively large burden of personally surveying all of the literature. The best arguments are identified and replicated, which is a natural result of an open marketplace of ideas. Quality of evidence increases across the board. In theory, the increased quality of information [this] could trade off with quantity. If debaters could just look to the wiki for evidence, it might remove the competitive incentive to do one’s own research. Empirically, however, the opposite has been true. In fact, a second advantage of disclosure is that it motivates research. Debaters cannot expect to make it a whole topic with the same stock AC – that is, unless they are continually updating and frontlining it. Likewise, debaters with access to their opponents’ cases can do more targeted and specific research. Students can go to a new level of depth, researching not just the pros and cons of the topic but the specific authors, arguments, and adovcacies employed by other debaters. The incentive to cut author-specific indicts is low if there’s little guarantee that the author will ever be cited in a round but high if one knows that specific schools are using that author in rounds. In this way, disclosure increases incentive to research by altering a student’s cost-benefit analysis so that the time spent researching is more valuable, i.e. more likely to produce useful evidence because it is more directed. In any case, if publicly accessible evidence jeopardized research, backfiles and briefs would have done LD in a long time ago. Lastly, and to my mind most significantly, disclosure weeds out anti-educational arguments. I have in mind the sort of theory spikes and underdeveloped analytics whose strategic value comes only from the fact that the time to think of and enunciate responses to them takes longer than the time spent making the arguments themselves. If [theory spikes] these arguments were made on a level playing field where each side had equal time to craft answers, they would seldom win rounds, which is a testimony to the real world applicability (or lack thereof) of such strategies. A model in which arguments have to withstand close scrutiny to win rounds creates incentive to find the best arguments on the topic rather than the shadiest. Having transitioned from LD to policy where disclosure is more universal, I can say that debates are more substantive, developed, and responsive when both sides know what they’re getting into prior to the round. The educational benefits of disclosure alone aren’t likely to convince the fairness-outweighs-education crowd, but I’ve learned over the course of many theory debates that most of that crowd has a very warped and confusing conception of fairness. Debaters who produce better research are more deserving of a win. Debaters who can make smart arguments and defend them from criticism should win out over debaters who hide behind obfuscation. That so many rounds these days are resolved on frivolous theory and dropped, single-sentence blips suggests that wins are not going to the “better debaters” in any meaningful sense of the term. The structure of LD in the status quo doesn’t incentivize better debating.

Research skills is a voter because it’s key to our ability to a) actually learn about the topic and become engaged in the real world and b) process large amounts of information, which is a necessary portable skill in the digital age.

2. Clash – Disclosure is the best method for increasing clash in debates because it allows debaters to substantively engage positions rather than relying on sketchy tricks to avoid the discussion. It also allows for more specific clash because debaters can see specific arguments disclosed instead of trying to link generic arguments in. That’s a voter because a) specific education also helps our ability to learn about the topic and engage in the real world and b) clash is key to advocacy skills since it forces us to defend positions, which we need to actually promote social change to fix screwed up things in the real world.

3. Argument quality –

a) Disclosure prevents the element of surprise. A world without disclosure rewards debaters for running arguments not because they are good, but because their opponents won't know how to respond. Disclosure forces debaters to commit to quality; under my interpretation, debaters would have to write cases knowing that their opponents will have the opportunity for thoughtful preparation.

b) Disclosure encourages increased research and cross-pollination—Argument quality is a voter because debate is a unique space in which we need to have in-depth education about these social issues.

Gary Alan Fine 01, [Professor of Sociology at Northwestern], “Gifted Tongues: High School Debate and Adolescent Culture”, Princeton University Press, 2001. RFK

Debate is justified as a learning tool, not merely as a means by which adolescents enjoy themselves. In a society concerned about the perceived failures of its educational institutions, high school debate is a voluntary activity in which some students--a small and highly select group--choose to engage in research, practice socially valued skills, and demonstrate these abilities in public settings. Anecdotal evidence suggests that students who participate in intermural debate do extremely well in their schoolwork and then (and as a consequence) are successful in college and in graduate or professional school, achieving occupational success. Since debate does not appeal to a random sample of the student body, causality is hard to establish, but the claim that debate is beneficial is surely plausible. Debate is one program through which an often shaky institution encourages adolescents to acquire culturally valued skills. While debate is not the only activity in which the adolescent attachment to competition is mixed with the acquisition of socially valued skills--Model UN, academic bowls, math teams, chess clubs, and mock trials also have these attributes--it provides an exemplary case in its organization, its longevity, and its intensity. High school debate potentially could produce curricular reform based on "teaching the conflicts"9: learning how to discuss contentious social issues can permit students to engage and confront moral ideals. Today many find America's school systems in disarray, attempting, often ineffectively, to solve seemingly insoluble social problems. If we cannot educate the masses effectively, some suggest that at least we should properly educate our "best and brightest." Gifted education is a concern for both educators and parents. High school debate teams are highly selective--sometimes self-selected, but often with the assistance of coaches, teachers, and principals who recruit their most energetic, brightest, and most articulate students. Debate helps to reproduce the class system. Most debaters--although not all--are high achievers. In general, debaters are young men and women from affluent homes in which education is valued and in which ideas are discussed. Many of these students have succeeded in school and have established, prior to their immersion in the world of debate, a record of achievement. High school debate magnifies these successes, providing an enriched atmosphere in which students expand their educational horizons. The competitiveness of debate motivates this achievement drive, particularly among those students who have already succeeded in academic competitions.

4. Inclusion – Disclosure is key to the inclusion of small schools – the current system just favors the “big” schools who bring more students who can scout more rounds.

Bietz 10, Mike (former President of the National Debate Coaches Association; debate coach at Harvard-Westlake School in Los Angeles.) “The Case for Public Case Disclosure.” May 2010.) GHS//GB

Since disclosure happens anyway, it ought to be open to all competitors regardless of the number of teammates, coaches or friends one has at any given tournament. **The current “system” is exclusionary and often makes tournaments hurtful situations. It benefits large teams who either 1) bring many kids to tournaments or 2) have many judges in the judging pool, both of which go hand-in-hand. Finally, open disclosure provides the academic check and peer-review of research that is common in all of academia.**

**D. Drop the debater –**

**1. It’s the same as dropping the argument since the argument is the entire case that wasn’t disclosed.**

**2. Voting for us sets a precedent in favor of a positive model of debate—wins and losses determine the direction of activity.**

**3. There’s no way to rectify the abuse — going and forcing them to disclose now won’t fix the lack of education we get from this round.**

**Disclosure Counter- Bad**

1. **You can never be sure that we violate, since there is no way he can say we haven’t posted unless he went on the internet, which one, merits disqualification because using the internet is forbidden according to this tournament’s rules and two, gives them access to unlimited arguments they can potentially read on us in the next speech. Also, using the internet is inherently bad because warrants and arguments should be developed in the round to avoid time skew.**
2. **We’ve been disconnected from the Internet so we literally could not post our cases, you shouldn’t vote us down for something that we can’t do. That’s like saying Kanye’s responsible for a bad rap album.**
3. **We meet because in between last round and this round we changed up our case with new arguments and cards so there was no way that we could have even disclosed a case we literally made less than 30 minutes ago.**
4. **We meet, because I don’t have a coach, we have a Speech teacher who volunteers to ride the bus with us to and from tournaments. This is a solvency deficit, because kids with more numerous and more active coaches will always have more prep than we do.**
5. **We meet, because they could have just asked us before the round to disclose, and we would have done it, we just don’t have access to the wiki but we do have access to them. Disclosure is an easy thing to ask someone for and they had to say the magic words before the round.**
6. **We meet. Their theory shells presume that everything we’re reading was updated 30 minutes before this round but that’s not true. We updated everything we’re reading 15 minutes before the round.**

**A) Counter interp – At tournaments where disclosure is not mandated explicitly in the rules, debaters can win the round without having disclosed their arguments**

**B) Violation – You can look at their off for this part, AND this tournament does not say anywhere that debaters need to disclose what they read.**

**C) Standards**

1. **Predictability, because we had no idea that we would have to disclose at this tournament when there is absolutely no rule that mandates or obliges us to do so. Forcing us to do something that we can’t anticipate is unfair because there’s no way for us to conduct prepare for something totally unpredictable whereas everything we are reading was predictable so it creates unfair research burdens.**
2. **Small school and disadvantaged debater’s participation- their interp literally makes the circuit more esoteric because it prevents small school debaters or those who don’t have as many resources on hand from participating. They require that debaters have regular access to the NDCA, which already has a membership fee that some schools either a) do not have or b) cannot afford to have, just like Milpitas High. If you vote on their interp, that means you perpetuate the perception that only the kids from top notch schools will ever get anywhere in this activity and you’ll exclude even more kids from doing PF than are already excluded.**
3. **Critical Thinking Skills- We increase critical thinking skills because we force thinking on the spot compared to debating a case which has already been disclosed which consequently makes it easier to debate. Furthermore, debaters can just get their coaches to prep out their opponent’s cases for them which ultimately means that they don’t have to do any thinking at all. This is the strongest internal link to education because the purpose of debate is the skills we gain from the round. We won’t remember some deep metaphysical justifications from the round but rather the skills we gained from debate.**

**D) Voters**

**It’s a voter for fairness, which precedes substance because unfair arguments arbitrarily skew your evaluation of the round towards the unfair debater. Voter for education as the only lasting impact of debate. Also, punishing the abusive debater with a loss deters future abuse. And give us the RVI because theory is a no risk issue for them while we are forced to answer it and theory without an RVI incentivizes debaters to read many theory shells in a round without any risk of dropping.**

**Internet Use- Bad**

**A. Interpretation: Debaters should not use or access the Internet in round to research.**

**B. Violation: They have used the Internet in round, which is conceded in cross. We can’t access Internet because we have it locked onto off.**

**C. Standards:**

1. **Research- Using Internet in round inherently damages research capabilities. Using Internet in round decreases research because people can just Google answers to non-stock arguments in round, giving them an advantage because people research outside of round but finding specified sources in round allows for better responses that we don’t have access to. On the other hand, requiring research causes people to use good ideas from each other and also be forced to prep and research for more arguments. That means it’s better for argument quality because people can clash more specifically instead of making bad, generic arguments.**
2. **Critical Thinking Skills- We increase critical thinking skills because we force on the spot debating instead of finding answers to argument during round. Debating a round in which there are no on the spot answers because they are found during round on the Internet sets a precedent to not think ahead, consequently making it easier for them to debate. This is the strongest internal link to education because the purpose of debate is the skills we gain from the round. We won’t remember some deep justifications from round, but rather the speaking skills and thinking abilities we gained from debate.**

**D. Voters**

1. **Fairness- Them using Internet decreases fairness as it sets a precedent to decrease research and increase round Internet use. Fairness precedes substance because unfair arguments arbitrarily skew your evaluation of the round towards the unfair debater.**
2. **Education- Decreasing critical thinking skills and finding information quickly in round decreases education. Vote for us because by voting for us, you set the precedent for other teams to learn about the topic ahead of time. Punishing abusive debaters with a loss deters future abuse, and remember that education is the only long term impact from debate.**
3. **RVI- We are forced to answer Internet abuse because it makes the round harder from us, but using Internet is no risk issue from them. There’s no way to rectify the abuse because turning of Internet now won’t fix the unfairness and lack of education from the round.**

### AFF Uniqueness

**U.S. B-52 Bombers in the South China Sea are a sign of war.**

**Pickrell**, Ryan. “US Sends B-52 Bombers Ripping through the Contested South China Sea Twice in Less than a Week as Tensions Soar.” Business Insider, Business Insider, 26 Sept. **2018**, www.businessinsider.com/us-sends-b-52-bombers-ripping-through-south-china-sea-twice-in-a-week-2018-9

**The US Air Force sent B-52**HStratofortress **heavy long-range bombers through the South China Sea** twice this week, **sending a message**, intentional or not, **to challengers in the region**. A single B-52 bomber assigned to the 96th Expeditionary Bomb Squadron conducted training in the South China Sea and Indian Ocean on Sunday, Pacific Air Forces Public Affairs told Business Insider on Wednesday. Two days later, another B-52 bomber conducted a training mission in the South China Sea. "U.S. Indo-Pacific Command's Continuous Bomber Presence (CBP) operations have been ongoing since March 2004," PACAF told BI, adding that these recent missions are "consistent with international law and United States's long-standing and well-known freedom of navigation policies."

**Current administration risking war; tensions prove.**

**Sakelaris**, Nicholas. “Air Force Flies B-52 Bombers into Disputed South China Sea.” UPI, UPI, 27 Sept. **2018**, www.upi.com/Air-Force-flies-B-52-bombers-into-disputed-South-China-Sea/3631538042476/

Though Beijing hasn't responded to the flights, **tensions between the United States and China are at an all-time high**.. President Donald **Trump has imposed new tariffs** on Chinese imports and Beijing has retaliated with its own tariffs on U.S. goods. On Wednesday, **Trump accused China of trying to interfere** in the 2018 midterm elections, a move he said is meant to hurt politicians who support him. "They do not want me or us to win because I am the first president ever to challenge China on trade," Trump said. "We are winning on trade."

**U.S.-China on the brink of conflict; real time action proves.**

**Woody**, Christopher. “Tensions Are Rising in the South China Sea, and a US Ally There Has Already Drawn 'Red Lines' with China.” Business Insider, Business Insider, 3 Oct. **2018**, www.businessinsider.com/scarborough-shoal-is-red-line-amid-us-china-tension-in-south-china-sea-2018-10

Amid a simmering trade war, **the US and Chinese militaries have exchanged tit-for-tat measures with each other in recent days in and above the South China Sea.** Over the weekend, a US Navy destroyer sailed close to Chinese-occupied territory in the area, a freedom-of-navigation exercise meant in part to contest Beijing's expansive claims. During that exercise, **a Chinese destroyer approached the US ship** — reportedly as close as 45 feet — in what Navy officials called an "unsafe and unprofessional maneuver." "**The tension is escalating, and that could prove to be dangerous to both sides**," a senior US official told Reuters on Sunday, after China canceled a meeting between its officials and Defense Secretary Jim Mattis — the second senior-level meeting called off in a week.

**Expansion means miscalculation and a serious confrontation**

**Tweed**, David. “Why the South China Sea Fuels U.S.-China Tensions.” Bloomberg.com, Bloomberg, 7 Oct. **2018**, www.bloomberg.com/news/articles/2018-10-07/why-the-south-china-sea-fuels-u-s-china-tensions-quicktake

For decades, the U.S. has guaranteed freedom of navigation in Asia’s waters, patrolling the seas with a view to maintaining the principle that no sovereign state shall suffer interference from another. **China’s growing military prowess**, combined with a dogged assertiveness over its territorial claims, **is testing the old ways and providing a potential flashpoint for the two powers. That tension is felt most keenly in the South China Sea.**

**With two great military forces regularly coming into close contact**, there are fears that **a miscalculation or mistake would risk provoking a more serious confrontation**. In September, a Chinese warship nearly collided with the USS Decatur while trying to drive it from territory China claims as its own. There was a similar incident eight months earlier. CNN reported in October that the U.S. was planning a show of military force as a warning to China -- with operations partly focused on the water body.

**Regional conflict likely; China pushes for it.**

**Mourdoukoutas**, Panos. “China Should Stop Making Noise In The South China Sea.” Forbes, Forbes Magazine, 4 Oct. **2018**, www.forbes.com/sites/panosmourdoukoutas/2018/10/04/china-should-stop-making-noise-in-the-south-china-sea/1#59cab4e8d8e7

This kind of **noise** is bad for peace in the region. It **pits China against its neighbors --** the **Philippines, Brunei, Malaysia, Taiwan, and Vietnam.** And against the navies of US, Japan, France, the UK, and Australia. These navies seek to enforce the freedom of navigation in the vast trade waterway. And that raises the risk of an accident with unpredictable consequences.

**U.S. current operations terrible; it’s a try or die for the affirmative.**

**Lendon**, Brad. “Chinese Warship Made US Destroyer 'Slam on the Brakes,' Expert Says.” CNN, Cable News Network, 4 Oct. **2018**, www.cnn.com/2018/10/02/politics/us-china-destroyers-confrontation-south-china-sea-intl/index.html.

Then last Friday, the US Navy released a series of photos showing troops aboard the 40,000-ton Wasp taking part in a live-fire exercise in the South China Sea, firing on inflatable targets with mounted machine guns and sniper rifles. Also last week the US flew B-52 bombers over the South China Sea and East China Sea. But **it is the "freedom on navigation" operations** like the one the USS Decatur performed on Sunday **that** seem **to spike tensions the most.**

### NEG Uniqueness

**Peace is on the horizon- multiple examples prove.**

**Pitlo**, Lucio Blanco. “How the Philippines Can Play Peacemaker with China and Asean.” South China Morning Post, South China Morning Post, 5 Sept. **2018**, [www.scmp.com/comment/insight-opinion/asia/article/2162674/how-philippines-can-play-peacemaker-asean-while-banking](http://www.scmp.com/comment/insight-opinion/asia/article/2162674/how-philippines-can-play-peacemaker-asean-while-banking)

There has been notable progress in the handling of the South China Sea disputes in the past two years. **A code for unplanned encounters at sea, hotline communications, a code of conduct framework and naval exercises are noteworthy regional accomplishments. In bilateral terms, a joint coastguard committee for maritime cooperation** and a high-level bilateral consultation mechanism was established between the Philippines and China, and proposals for joint exploration for oil and gas are under negotiation.

**Paradigm has shifted to negotiations; all parties want peace.**

**Shumei**, Leng. “Cooperation Can Aid Peaceful Resolution of Sea Disputes: Observers.” Global Times, 9 Oct. **2018**, www.globaltimes.cn/content/1122321.shtml

People in **countries surrounding the South China Sea call for peace, stability and development**," she said. At sessions of a June meeting in Central China's Hunan Province, Chinese Vice Foreign Minister Kong Xuanyou and senior diplomats from ASEAN countries agreed their countries would continue to discuss issues including implementation of the Declaration on the Conduct of Parties in the South China Sea, pragmatic maritime cooperation and negotiations on the code of conduct. **All parties will continue their efforts to settle the disputes over the South China Sea through negotiation, keeping disagreements under the control of the rule-based framework, maintaining peace of the South China Sea**, according to a document issued by China's Foreign Ministry.

**Nobody wants to reach the brink of war.**

**Koh**, Collin. “Is War the Endgame in the South China Sea?” South China Morning Post, South China Morning Post, 6 Oct. **2018**, www.scmp.com/week-asia/opinion/article/2167154/us-china-tensions-war-endgame-south-china-sea

The question then will be whether war over the South China Sea becomes the endgame? **The South China Sea tussle is as much a contest of morality** as that of freedom of passage. **Nobody,** China nor the US nor any Asean (Association of Southeast Asian Nations) claimant, seriously **wants to become the first to fire a shot and** receive the dubious global honour of **be**ing **seen as a** pariah **state for endangering regional peace and stability. The** “show of flag” and “show of force” **moves and counter-moves by China and the US** (and its allies and partners included at times) **will continue, but be** assiduously **maintained under the threshold of outright use of force.**

**China-Japan negotiations prove peace.**

**Kyodo**. “Abe to Visit China in Late October as Bilateral Ties Warm.” The Japan Times, 12 Oct. **2018**, www.japantimes.co.jp/news/2018/10/12/national/politics-diplomacy/abe-visit-china-late-october-bilateral-ties-warm/#.W8CqJRNKjBI

**Prime Minister Shinzo Abe is scheduled to visit China** for three days from Oct. 25, both governments said Friday as bilateral relations continue to show momentum. It will **mark the first visit by Japanese prime minister to China** primarily to hold formal bilateral talks with Chinese leaders **since** December **2011**. The trip comes as **Beijing has been attempting to strengthen cooperation with Japan** amid its ongoing trade war with Washington. Abe expressed readiness to promote ties with China further, saying in a speech in Tokyo that he wants to lift relations to “a new stage,” noting that the two sides share a responsibility to realize peace and stability in the region.

# CON (A/2 PRO)

## Overviews

### Chinese Aggression

1. **2 economic reasons why China will never make the jump to full scale war.**
	1. **Western Trade. Long of The Washington Post explains that 20 percent of China’s exports go to the US, and its economy is export dependent, but they would lose this in a war scenario.**
	2. **Eastern Trade. The Economist explains that the China’s belt road initiative is an attempt to rebuild the Silk Road to Europe. The Medium writes that project would allow China to dominate global trade because it touches 60 percent of the world’s population, so they are set on completion. Because China needs all of Europe and Central Asia to cooperate to finish the project, it will never go to war as The SAIS Observer finds that going to war over domestic policy would hurt Beijing’s credibility.**

 “What Is China's Belt and Road Initiative?” The Economist, **The Economist Newspaper**, 14 May **2017**, [www.economist.com/the-economist-explains/2017/05/14/what-is-chinas-belt-and-road-initiative](http://www.economist.com/the-economist-explains/2017/05/14/what-is-chinas-belt-and-road-initiative)

OVER the weekend Xi Jinping welcomed 28 heads of state and government to Beijing for a coming-out party, which continues today, to celebrate the “belt and road” initiative, his most ambitious foreign policy. **Launched in 2013 as “one belt, one road”, it involves China underwriting billions of dollars of infrastructure investment in countries along the old Silk Road linking it with Europe.** The ambition is immense. China is spending roughly $150bn a year in the 68 countries that have signed up to the scheme. The summit meeting (called a forum) has attracted the largest number of foreign dignitaries to Beijing since the Olympic Games in 2008.

China's Master Plan to Dominate Global Trade | One Belt One Road.” **Medium**, Augmenting Humanity, 29 May **2018**, [medium.com/@trendingtopicshub/chinas-master-plan-to-dominate-global-trade-one-belt-one-road-fc8fbb07c099](http://medium.com/%40trendingtopicshub/chinas-master-plan-to-dominate-global-trade-one-belt-one-road-fc8fbb07c099)

**China’s master plans to dominate global trade through one belt one road initiative.** There’s a new highway in Pakistan and a new rail terminal in Kazakhstan. A seaport in Sri Lanka recently opened. As well as this bridge in rural Laos. What’s interesting is that they’reall part of one country’s project that spans 3 continents and touches over 60% of the world’s population. If you connect the dots, it’s not hard to see which country that is. This is China’s one belt one road Initiative the most ambitious infrastructure project in modern history that’s designed to reroute global trade. **It’s how China plans to become the world’s next superpower.**

“Beijing's South China Sea Policy: Strategic Shipwreck.” A Day in the Life of a Foreign Service Officer, **The SAIS Oberserer**, 22 Apr. **2016**, saisobserver.org/2016/04/22/beijings-south-china-sea-policy-strategic-shipwreck/

In 2014, Tsinghua University Professor Yan Xuetong argued that China has exchanged Deng Xiaoping’s strategic path of “keeping a low profile” for Xi’s more active policy of “striving for achievement.” The world could benefit greatly from China being a more active player on the international stage if it is a responsible partner. However, Beijing’s unilateral actions in the South China Sea have cast doubts over China’s long-term intentions. From the lens of domestic politics, China’s activities in the South China Sea aid President Xi’s effort to cultivate positive relations with the PLA, foster nationalism within the population, and solidify his centrality in the political system. **If domestic politics is in fact the driving factor behind China’s South China Sea adventurism, it will be to the detriment of China’s national security, as it has the potential to** exacerbate great power rivalry**, damage Beijing’s credibility,** and provoke an East Asian arms race.

**Long**, Heather. “Analysis | In a U.S.-China Trade War, Who Has More to Lose?” **The Washington Post** ,WP Company, 5 Apr. **2018**, [www.washingtonpost.com/news/wonk/wp/2018/04/05/china-has-more-to-lose-in-a-trade-war-but-trump-has-a-key-weakness/?noredirect=on](http://www.washingtonpost.com/news/wonk/wp/2018/04/05/china-has-more-to-lose-in-a-trade-war-but-trump-has-a-key-weakness/?noredirect=on)

As the U.S.-China trade spat gets uglier, people in both countries are asking: Who has more to lose? And how does this end? China has more to lose economically in an all-out trade war. **The Chinese economy is dependent on exports, and nearly 20 percent of its exports go to the United States.** It sold $506 billion in stuff and services to the United States last year. In contrast, the United States sold $130 billion to the Chinese. “In a serious economic battle, the U.S. wins. There is no question about it,” said Derek Scissors, a resident scholar at the American Enterprise Institute who has helped advise the administration on China.

### Hard Power First

1. **UNCLOS stops US force. Becker of Harvard explains that UNCLOS dictates to use the high seas peacefully and states cannot use threat or force against any state, preventing the US from stopping bad activities.**
2. **Thus, Rubin of Tufts University concludes UNCLOS will be disastrous for U.S. maritime power.**
3. **Prerequisite. George of Stanford finds that diplomatic efforts not backed by credible force is ineffective and hurts US interests.**

<http://www.harvardilj.org/wp-content/uploads/2011/03/HILJ_46-1_Becker.pdf>

It is widely recognized that UNCLOS has relatively little to say on military matters.393 **Article 88 dictates that “[t]he high seas shall be reserved for peaceful purposes,” but offers no further elaboration.394 Article 301 goes slightly further by requiring that parties to UNCLOS “refrain from any threat or use of force against the territorial integrity or political independence of any State,** or in any manner inconsistent with the principles of international law embodied in the Charter of the United Nations.”395

**Rubin**, Alfred P. “Monster from the Deep: Return of UNCLOS.” **The National Interest**, The Center for the National Interest, 24 June **2014**, [nationalinterest.org/article/monster-from-the-deep-return-of-unclos-995](Rubin%2C%20Alfred%20P.%20)

There are even more complex problems. UNCLOS sets up a special law of the sea tribunal with jurisdiction to interpret provisions of the Convention that apply equally to military and non-military uses of the sea. Although military uses can be excluded from the purview of the tribunal by particular states on ratifying the UNCLOS (article 298.1.b), a decision interpreting the UNCLOS's language relating to "innocent passage" or "transit passage" through straits, even if rendered in a case involving only non-military activities, would necessarily apply also to military uses. The distinction between military and non-military application of the tribunal provisions is thus untenable. Moreover, even if the United States and other naval powers take advantage of this available exclusion, nothing they do can stop other states from having their own military activity adjudicated by the tribunal**. Despite the fact that the tribunal's decision binds only the parties before it, the tribunal's interpretation of a provision of the UNCLOS that applies equally to all parties affects international correspondence in ways potentially disastrous to American naval power.**

**George**, Alexander L. “The Role of Force in Diplomacy.” **PBS**, Public Broadcasting Service, **2014**, [www.pbs.org/wgbh/pages/frontline/shows/military/force/article.html](http://www.pbs.org/wgbh/pages/frontline/shows/military/force/article.html)

Let me jump ahead to the period of the early and mid-1960's. By then, the Never-Again school lacked powerful spokesmen and it was unable to prevent large-scale U.S. military involvement in Vietnam. However, the costs and unsatisfactory outcome of that war triggered a major revival of the Never-Again point of view. In President Reagan's first term, his Secretary of Defense Caspar Weinberger articulated a powerful and highly influential version of the old Never-Again philosophy. Weinberger and the Secretary of State George Shultz engaged in an impassioned, at times acrimonious debate over this issue. Shultz was not oblivious to the "lessons" of Vietnam but, echoing elements of the earlier Limited War school, Shultz observed that situations do arise when a "discrete assertion of power" is needed to support our limited objectives. Shultz argued that **diplomatic efforts not backed by credible threats of force and, when necessary, with use of limited force will prove ineffectual, resulting in substantial damage to U.S. interests.**

## A/2: Environment

### A/2: US Fishing

1. **Non-Unique. The NOAA writes that the Magnus Stevenson Act allows for sustainability of the US fisheries 200 miles from shore, including rebuilding overfished stocks, conserving habitats, and sustaining seafood.**
2. **Non-Unique. Plumer of Vox writes that the US was able to impose a 78 percent reduction in catches when cod were overfished in Maine. The incentive is already there.**
3. **Turn. Strauss of The Environmental Defense Fund writes that the oceans economy made 2.7 millions jobs and 258 billion dollars to the GDP of the US. Cutting overfishing more drops this.**

**NOAA** Fisheries West Coast Region. “Magnuson-Stevens Fisheries Conservation & Management Act.” NOAA Fisheries West Coast Region, 20 Aug. 2012, [www.westcoast.fisheries.noaa.gov/whatwedo/msa/magnuson\_stevens\_act.html](http://www.westcoast.fisheries.noaa.gov/whatwedo/msa/magnuson_stevens_act.html)

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) is the primary law governing marine fisheries management in U.S. federal waters. First passed in 1976, the **Magnuson-Stevens Act fosters long-term biological and economic sustainability of our nation's marine fisheries out to 200 nautical miles from shore. Key objectives of the Magnuson-Stevens Act are to: Prevent overfishing Rebuild overfished stocks Increase long-term economic and social benefits Use reliable data and sound science Conserve essential fish habitat Ensure a safe and sustainable supply of seafood** Under the Magnuson-Stevens Act, eight regional fishery management councils develop fishery management plans (FMPs) specific to their regions, fisheries, and fish stocks. Fishery management council members include representatives from regional states, treaty fishing tribes, fishery and ocean stakeholders, and the Federal government. For waters off the U.S. West Coast, the Pacific Fishery Management Council has developed four FMPs, which are implemented through our fisheries regulations for coastal pelagic species, groundfish species, highly migratory species, and salmon species. These FMPs must comply with the Magnuson-Stevens Act’s conservation and management requirements, including the 10 National Standards—principles that promote sustainable fisheries management.

**Plumer**, Brad. “How the US Stopped Its Fisheries from Collapsing.” **Vox**, Vox, 8 May **2014**, [www.vox.com/2014/5/8/5669120/how-the-us-stopped-its-fisheries-from-collapsing](http://www.vox.com/2014/5/8/5669120/how-the-us-stopped-its-fisheries-from-collapsing)

**"Prior to that, fisheries managers would often use softer techniques to try and prevent overfishing," says Seth Atkinson of the Natural Resources Defense Council. "They would try to limit the number of days that fishermen could spend at sea, or limit the number of boats that could go out. But there wasn't much hard accountability**, and you saw a lot of managers still permitting overfishing. And that's not a personal criticism of them. These are difficult decisions to make and often require short-term sacrifice." Different regions in the United States now employ a variety of policies to regulate overfishing. Alaska, for instance, uses a "catch share" system, in which fisherman are granted a fixed percentage of the overall haul each year. This system gives the industry a stake in ensuring that the overall fishery remains healthy — and studies have found that catch shares are effective at preventing fisheries collapse. Other regions rely on flat limits for overall catches of certain types of fish. This isn't always as easy as it sounds — it depends on scientists and regulators setting the limits correctly. Make the limits too loose, and fish populations start collapsing. Make them overly stringent, and fishermen suffer. New England, for one, has a history of struggling with these limits — **in 2013, for instance, regulators realized that Gulf of Maine cod were collapsing unexpectedly after years of overly lax limits and had to impose a severe 78 percent reduction in catches.**

<http://thehill.com/opinion/energy-environment/392529-fisheries-management-is-working-congress-should-stick-to-the>

**Strauss**, Kevin. “Report: Overfishing Bad for Fish, but Worse for the Economy.” **Environmental Defense Fund**, 2 Apr. **2014**,[www.edf.org/blog/2014/04/02/report-overfishing-bad-fish-worse-economy](http://www.edf.org/blog/2014/04/02/report-overfishing-bad-fish-worse-economy)

According to a new report from the National Ocean Economics Program for the Center for the Blue Economy, **the oceans economy comprised more than 2.7 million jobs and contributed more than $258 billion to the GDP of the United States** in 2010. If you aren’t impressed with those numbers, let’s think in different terms. If the ocean economy were a part of the United States of America, it would be the 25th largest state by employment and the 20th largest state by GDP—about the same size as Colorado.

### A/2: International Fishing

1. **Amours of Al Jazeera finds that the Trump administration has rolled back environmental policies. Because of this, Sussman of The Climate Reality Project writes that US environmental offices are losing credibility and effectiveness.**
2. **Moore of The Ocean Conservancy writes that currently, only 9 percent of stocks are experiencing overfishing, which is better than 2006 when 25 percent were overfished. The problem is solved in the status quo.**
3. **Delink. In the status quo, Ali of The Chicago Tribune writes that the Trump administration is overruling commissions to make a shift towards overfishing. Specifically, Masterson of The NDRC reports that the government passed the HR 200 bill which increases the risk of overfishing by rolling back accountability and weakening fishery management.**

Kestler-**D'Amours**, Jillian. “One Year under Trump: 'Attack' on Climate Change Fight.” Israeli–Palestinian Conflict | Al Jazeera, **Al Jazeera**, 17 Jan. **2018**, [www.aljazeera.com/news/2017/12/explained-donald-trump-attack-environment-171203184502851.html](http://www.aljazeera.com/news/2017/12/explained-donald-trump-attack-environment-171203184502851.html)

**President Donald Trump has attempted to roll back environmental protection measures and commitments to fight climate change that were made under previous US administrations** Al Jazeera examines the Trump administration's environmental policies, what appointments the president has made on the environmental file, and how local and state-level governments across the US have responded.

**Moore**, Meredith. “The Good, The Bad, The Ugly.” **Ocean Conservancy**, 19 May **2017**, [oceanconservancy.org/blog/2017/05/19/good-bad-ugly/](http://oceanconservancy.org/blog/2017/05/19/good-bad-ugly/)

Our nation’s fisheries are in better shape today than they have been in decades. The Status of the Stocks 2016 report tells us that 41 fish stocks have been rebuilt to healthy levels since 2000. **And after decades of hard work and the use of science-based catch limits, only 9% of stocks are experiencing overfishing (fishing harder than stocks can reproduce)** and 16% of stocks are still overfished. **These are big improvements over just 10 years ago—20% of stocks were experiencing overfishing and 25% were overfished in 2006.**

**Ali**, Changez. “Trump Administration Dives into Fish Fight.” **ChicagoTribune**.com, 21 Nov. **2017**, [www.chicagotribune.com/news/sns-bc-md-cns-trump-fish-fight-20171121-story.html](http://www.chicagotribune.com/news/sns-bc-md-cns-trump-fish-fight-20171121-story.html)

**An unprecedented Trump administration decision over the summer that overruled an interstate fishing commission has drawn the ire of critics** who worry that keeping a healthy and viable supply of flounder in the Atlantic Ocean is being sacrificed to commercial profits. While the fight over fish largely has been out of the public eye, it has implications for Maryland and other coastal states. Critics charge the controversy further underscores environmental backsliding by a White House beholden to business interests seeking fewer restrictions on the potentially harmful exploitation of natural resources.

**Masterton**, Molly. “House Republicans Pass Another Contentious Empty Oceans Act.” **NRDC**, 12 July **2018**, [www.nrdc.org/experts/molly-masterton/house-republicans-pass-another-contentious-empty-oceans-act](http://www.nrdc.org/experts/molly-masterton/house-republicans-pass-another-contentious-empty-oceans-act)

**But H.R. 200, the bill that the U.S. House of Representatives just passed in a contentious vote** (222 yays, 193 nays), threatens to unravel those four decades of progress. **H.R. 200 would weaken the core tenets of science-based fisheries management, increasing the risk of overfishing and delaying the rebuilding of depleted fisheries. It would also roll back science and accountability in recreational fisheries.** And unfortunately, it retreats from the bipartisan common ground that has marked the law’s success. While H.R. 200 pretends to be a simple improvement to the law, it would eviscerate the very conservation requirements that have worked to restore our marine fisheries. This “Empty Oceans Act” would sell out our successful efforts to curb overfishing, harming coastal communities, and the ocean wildlife we all love.

### A/2: Wind Turbines

1. **They don’t prove why we have to put the wind turbines so far out, at the point where all they need is sea breeze, even 5 miles would do.**
2. **Non Unique. The Siemans Gamesa company reports that the US creates an offshore wind farm in 2016, and the US Department of Energy writes that more than 25 offshore wind projects are being planned now.**

“Offshore Pioneers.” **Siemens Gamesa** Secures Its Largest Ever Wind Turbine Order of 300 MW in India, **2018**, [www.siemensgamesa.com/en-int/products-and-services/offshore](http://www.siemensgamesa.com/en-int/products-and-services/offshore)

The EU in particular has experienced huge offshore wind power expansion in recent years. 4,149 turbines are now installed and grid-connected, for a cumulative total of 15,780 MW. Including sites under construction, there are 92 offshore wind power plants in 11 European countries. The rest of the world is catching up too – China had a total of 2,788 MW offshore wind installed end 2017, and is speeding up its developments. **Additionally, the US came onboard in 2016 with its first offshore wind farm off Rhode Island.** Such global growth has helped drive investment into the sector and interest has led to a substantial decrease in prices. In the UK the cost of offshore wind has fallen by an average of 47% since the last UK auction results were announced in February 2015.

**Drouin**, Roger. “After an Uncertain Start, U.S. Offshore Wind Is Powering Up.” Yale E360, 11 Jan. **2018**, [e360.yale.edu/features/after-an-uncertain-start-u-s-offshore-wind-is-powering-up](http://e360.yale.edu/features/after-an-uncertain-start-u-s-offshore-wind-is-powering-up)

**According to the U.S. Department of Energy, more than 25 offshore wind projects** with a generating capacity of 24 gigawatts **are now being planned, mainly off the U.S. Northeast and mid-Atlantic coasts.** And although some of these projects may not be built, and only one commercial offshore wind farm has actually been constructed —the tiny, five-turbine “Block Island Wind” project off Rhode Island — analysts say that U.S. offshore wind is expected to enjoy significant growth in the coming decade.

### A/2: Green Tech

1. **Manoli of Duke University quantifies that to offset any climate change, clean technology has to spread ten times faster than it is now. This is their burden to prove to access any impact.**
2. **Delink. King of Insider Sources explains that most rare earth metals go to weapons and daily technology. They won’t be devoted to green tech, especially at the point where the companies who are getting mining contracts aren’t small green tech companies, but military weapons designers because of how the government is run.**
3. **Two turns on green tech.**
	1. **Rebound effect. Because more green tech gives an excuse to affect consumption choice, Brannlund of Lunds University finds that a 20 percent increase in energy efficiency results in a 5 percent increase in CO2 emissions.**
	2. **Unreliability. Rez of The University of Arizona explains that renewables don’t make a dent in carbon emissions because their energy output is variable. Conca of Forbes reports that even when Germany made renewables to 30 percent of its power, coal use increased 30 percent to become a buffer for renewables and Germany’s emissions rose.**

 “Tenfold Jump in Green Tech Needed to Meet Global Emissions Targets.” **Phys**.org - News and Articles on Science and Technology, Phys.org, 3 Jan. **2017**, [phys.org/news/2017-01-tenfold-green-tech-global-emissions.html](http://phys.org/news/2017-01-tenfold-green-tech-global-emissions.html)

The global spread of green technologies must quicken significantly to avoid future rebounds in greenhouse gas emissions, a new Duke University study shows. **"Based on our calculations, we won't meet the climate warming goals set by the Paris Agreement unless we speed up the spread of clean technology by a full order of magnitude, or about ten times faster than in the past," said Gabriele Manoli, a former postdoctoral associate at Duke's Nicholas School of the Environment, who led the study. "**Radically new strategies to implement technological advances on a global scale and at unprecedented rates are needed if current emissions goals are to be achieved," Manoli said.

**King**, Llewellyn. “China's Not So Secret Weapons - Rare Earths – InsideSources.” **InsideSources**, 3 Aug. **2017**, [www.insidesources.com/chinas-not-secret-weapons-rare-earths/](http://www.insidesources.com/chinas-not-secret-weapons-rare-earths/)

**Rare earths are also at work in cell phones and computers. Fighter jets and smart weapons, like cruise missiles, rely on them. In national defense, there is no substitute and no other supply source available.** Like so much else, the use of rare earths as an enhancer was a U.S. discovery: General Motors, in fact. In 1982, General Motors research scientist John Croat created the world’s strongest permanent magnet using rare earths. He formed a company, called Magnequench. In 1992, the company and Croat’s patents were sold to a Chinese company. From that time on it became national policy for China to be not just the supplier of rare earths, but to control the whole supply chain. For example, it didn’t just want to supply the rare earths for wind turbines; it insisted that major suppliers, such as Siemens, move some of their manufacturing to China. Soon Chinese companies, fortified with international expertise, went into wind turbine manufacture themselves**.**

**Brännlund**, Runar. Increased Energy Efficiency and the Rebound Effect: Effects on Consumption and Emissions, **Lunds University** Libraries, **2007**, <lup.lub.lu.se/search/publication/3f2c80c8-a0e3-4e01-9431-f60a15ed916a>

The main objective of this paper is to examine how exogenous technological progress, **in terms of an increase in energy efficiency, affects consumption choice by Swedish households and thereby emissions of carbon dioxide** (CO2), sulphur dioxide (SO2) and nitrogen oxide (NOx). The aim of the paper is closely related to the discussion of what is termed the “rebound effect”. To neutralise the rebound effect, we estimate the necessary change in CO2 tax, i.e. the CO2 tax that keeps CO2 emissions at their initial level. In addition, we estimate how this will affect emissions of sulphur dioxide and nitrogen oxides. **The results indicate that an increase in energy efficiency of 20% will increase emissions of CO2 by approximately 5%.** To reduce the CO2 emissions to their initial level, the CO2 tax must be raised by 130%. This tax increase will reduce the emissions of sulphur dioxide to below their initial level, but will leave the emissions of nitrogen oxides at a higher level than initially. Thus, if marginal damages from sulphur dioxide and nitrogen dioxide are non-constant, additional policy instruments are needed.

**Conca**, James. “Why Aren't Renewables Decreasing Germany's Carbon Emissions?” **Forbes**, Forbes Magazine, 10 Oct. **2017**, [www.forbes.com/sites/jamesconca/2017/10/10/why-arent-renewables-decreasing-germanys-carbon-emissions/](http://www.forbes.com/sites/jamesconca/2017/10/10/why-arent-renewables-decreasing-germanys-carbon-emissions/)

Germany’s carbon emissions are not declining much, **despite renewables increasing to almost 30% of the country’s power mix this** year (see figure below), and over 50% of its installed capacity. Unfortunately, **coal has also increased to about 30% and,** along with power purchases from France and other countries in Europe, **is used to load-follow, or buffer, the intermittency of the renewables. Germany’s carbon emissions** per person actually **rose slightly in 2013 and 2015.** The country produces much more electricity than it needs and is not addressing oil in the transportation sector. As Peter Rez at Arizona State University discusses, **renewables will not make much of a dent in their total carbon emissions. The problem is that even when renewables produce enough energy to supply all of the country’s electricity, the variability of the renewables means Germany has to keep the coal plants running**, over half of which use the dirtiest of all coal, lignite.

### A/2: Arctic Drilling

1. **They can’t name one country who wants to drill. No probability.**
2. **Drilling should’ve happened for 2 reasons.**
	1. **Subsidiaries. If countries in the US wanted to drill, they would just create foreign subsidiaries to mine in other places, but they haven’t.**
	2. **US grants. Shell got the ability and tried to drill, but pulled out due to a loss of money.**
3. **There are 5 reasons as to why drilling will never occur.**
	1. **Other sources. Worland of TIME writes that there has been a rapid growth of oil resources in fracking, which is less risky.**
	2. **Opposition. Koch of NatGeo writes that companies become the target of campaigns that damage their reputation, decreasing incentive.**
	3. **Profit. Murphy of USA Today notes that oil prices need to be between 60 to 70 dollars a barrel to drill in the Arctic, but they are below 40 dollars.**
	4. **Saudi glut. Sider at The Business Times writes last year that Saudi slashed oil prices, decreasing sales and crude prices by 9 percent, so drilling won’t last if we try to make extra oil.**
	5. **Infrastructure. Waldman of Scientific American writes that only 5 percent of the Arctic is mapped, with a lack of ports and icebreakers, stopping far off drilling.**
4. **Even if this only delays, it still delinks. Lynch of Forbes reports that oil producers are shifting to put capital into renewables because returns are higher, so there’s no concentration on the Arctic. Thus, Krauss of The New York Times confirms that investment in the Artic has fallen by 20 percent.**

**Worland**, Justin. “Why Oil Companies May Not Be Interested in Drilling ANWR.” **Time**, Time, 6 Nov. **2017**, [time.com/5011486/anwr-arctic-national-wildlife-refuge-oilt-drilling/](http://time.com/5011486/anwr-arctic-national-wildlife-refuge-oil-drilling/)

**The declining interest in ANWR follows rapid growth in oil resources elsewhere in the U.S. Fracking technology, which first exploded in use around a decade ago**, fundamentally shifted the U.S. energy market allowing oil companies reach vast reserves of oil previously thought inaccessible. The opening of offshore drilling has also contributed to the shift in dynamics. **The result has been a vast supply and low prices.** The proven U.S. crude oil reserves nearly doubled between 2008 and 2014, according to data from the Energy Information Administration. **At the same time, oil prices are now a fraction of what they were a decade ago.**

But as long as oil prices remain low energy analysts will remain skeptical. An analysis from Bloomberg suggested that the U.S. would earn around $145 million from leasing land in the next decade. **And whether any of that development would lead to drilling is another question. Some once promising projects like Arctic offshore drilling have been halted altogether as a result of cost** while others like the Keystone XL pipeline have a doubtful future even as they enjoy newfound support in Washington from the Trump Administration.

But even if **drilling in the Arctic does not bring in a single dollar of revenue**, Republicans can still count the hypothetical income as though it would help keep the bill from adding even more to the deficit. Then Republicans just need to make up some of the rest of the $1.5 trillion gap.

**Murphy**, David. “Don't Drill in Arctic National Wildlife Refuge. Facts Show It Makes No Sense.” **USA Today**, Gannett Satellite Information Network, 13 Dec. **2017**, [www.usatoday.com/story/opinion/2017/12/13/dont-drill-arctic-national-wildlife-refuge-facts-show-makes-no-sense-david-murphy-column/942680001/](http://www.usatoday.com/story/opinion/2017/12/13/dont-drill-arctic-national-wildlife-refuge-facts-show-makes-no-sense-david-murphy-column/942680001/)

It should be noted as well that shale oil companies in the **lower 48 states can now break even with oil prices below $40 per barrel, while production in the Arctic required between $60 and $70 per barrel. Not many oil companies will jump at these prices**. ConocoPhillips’ bid price was $14.99 per acre, a far cry from $1,300 per acre. The “energy security” argument put forth most recently by Senate Majority Leader Mitch McConnell is unconvincing. Even if oil companies find oil in the Arctic refuge, it will increase U.S. oil reserves to a bit more than 3% of the global total. OPEC has 70%. There is no conceivable path to oil independence by producing oil domestically.

**Koch**. “3 Reasons Why Shell Halted Drilling In the Arctic.” National Geographic, **National Geographic Society**, 28 Sept. **2015**, [news.nationalgeographic.com/energy/2015/09/150928-3-reasons-shell-halted-drilling-in-the-arctic/](http://news.nationalgeographic.com/energy/2015/09/150928-3-reasons-shell-halted-drilling-in-the-arctic/)

**Shell became the target of a massive “Shell no” campaign that threatened to damage the company’s reputation**. Protesters dangled off a bridge in Portland, Oregon. They kayaked in the path of a 380-foot icebreaker vessel in Seattle’s port, leaving only on police orders. In front of Shell’s London headquarters, they performed a melancholy rendition of “Requiem for Arctic Ice.” "Moving to develop this oil...would be feeding our addiction to fossil fuels at a time when we should be focused on developing and moving clean, cheap and efficient forms of renewable energy into the mainstream," said Cindy Shogan, executive director of the Alaska Wilderness League. She said the Arctic is simply too dangerous a place to drill.

**Sider**, Alison, et al. “Saudis Cut Oil Exports to U.S. to Ease Global Glut.” **The Wall Street Journal**, Dow Jones & Company, 14 June **2017**, [www.wsj.com/articles/saudi-arabia-cuts-u-s-oil-exports-to-work-down-global-supply-glut-1497346203](http://www.wsj.com/articles/saudi-arabia-cuts-u-s-oil-exports-to-work-down-global-supply-glut-1497346203)

**Saudi Arabia is slashing its U.S. oil exports to a nearly three-decade low for this time of the year, intensifying its efforts to reduce a global supply glut that has been pummeling crude prices. State-owned Saudi Arabian Oil Co. expects sales to the U.S. will drop below 1 million barrels a day in June, then slide to about 850,000 barrels a day in July, according to people familiar with the matter.** The July figure would be its lowest export total to the U.S. for that month since 1988, based on figures from the U.S. Energy Information Administration. Saudi Aramco expects its August exports to the U.S. to decline by another 100,000 barrels a day, these people said, which would be the lowest export amount for that month since 2009. **The shift comes as crude markets test some of their lowest prices of the year.** Oil traders have been questioning whether Saudi Arabia and other members in the Organization of the Petroleum Exporting Countries can change that. The group cut output this year in an effort to ease a longstanding glut, but U.S. companies have rushed to fill any void left by OPEC. **U.S. crude prices tumbled more than 9% over the past three weeks** and are down about 13.5% this year, back near where they were before OPEC’s deal was first announced in November.

**Waldman**, Scott. “The U.S. Is Not Ready to Clean Up an Arctic Oil Spill.” **Scientific American**, 19 July **2017**, [www.scientificamerican.com/article/the-u-s-is-not-ready-to-clean-up-an-arctic-oil-spill/](http://www.scientificamerican.com/article/the-u-s-is-not-ready-to-clean-up-an-arctic-oil-spill/)

Murkowski favors more oil exploration in the region, but she raised another significant issue that could affect the energy industry’s push into the Arctic. **She said less than 5 percent of the region has been mapped according to modern standards.** Some navigation is still reliant on mapping conducted during the 18th century by British explorer Capt. James Cook, she said**. In addition to increased infrastructure, ports and icebreakers, the region needs better mapping to accommodate increased traffic, she said at the NOAA event. “At this pace we’re at, it will be a hundred years to chart the Arctic—**which, given what we’re seeing in increased activity, I don’t think that works out, so we need to step it up here,” she said.

**Krauss**, Clifford. “Shell Exits Arctic as Slump in Oil Prices Forces Industry to Retrench.” **The New York Times**, The New York Times, 28 Sept. **2015**, [www.nytimes.com/2015/09/29/business/international/royal-dutch-shell-alaska-oil-exploration-halt.html](http://www.nytimes.com/2015/09/29/business/international/royal-dutch-shell-alaska-oil-exploration-halt.html)

**The industry has cut its investments by 20 percent this year** and laid off at least 200,000 workers worldwide, roughly 5 percent of the total work force. Companies also have retreated from less profitable fields in places like the North Sea, West Africa, and some shale prospects in Louisiana and North Dakota. American oil companies have decommissioned more than half of their drilling rigs over the last year, and production is beginning to drop in the United States. Even exports from Saudi Arabia are beginning to ebb because of a glut in its Asian markets.

**Lynch**, Michael. “Is The Oil Industry Going Green? And Moving Away From Oil?” **Forbes**, Forbes Magazine, 21 June **2017**, [www.forbes.com/sites/michaellynch/2017/06/21/is-the-oil-industry-going-green-and-moving-away-from-oil/](http://www.forbes.com/sites/michaellynch/2017/06/21/is-the-oil-industry-going-green-and-moving-away-from-oil/)

Similarly, a Wood Mackenzie study found **growing oil industry investment in renewables.” Major oil and gas producers will put more of their capital into wind and solar developments as returns from renewables are poised to exceed some hydrocarbon projects.”**

### A/2: Drilling Impact

1. **On oil dependency. The US Geological Survey estimates that the billions of barrels of oil in the Arctic will only will satisfy the world for 3 years. Murphy of USA Today furthers that Arctic oil will only increase US reserves to 3 percent of the global total, while OPEC has 70 percent. No impact.**
2. **On profits. 3 examples empirically prove there is none.**
	1. **Shell, which reported a loss of 7.4 billion dollars.**
	2. **Korea, who lost ships and workers in the Arctic.**
	3. **Ashley for The Center for American Progress analyzes that mining in the Arctic will only yield a net total of 37 million dollars for the government.**
3. **Turn. Calculating for development of the Arctic, The BOEM estimates a 75 percent chance for oil spills. Problematically, Tewari of Nexus writes that a spill could affect the food change at a global level, risking the death of species.**

**Murphy**, David. “Don't Drill in Arctic National Wildlife Refuge. Facts Show It Makes No Sense.” **USA Today**, Gannett Satellite Information Network, 13 Dec. **2017**, [www.usatoday.com/story/opinion/2017/12/13/dont-drill-arctic-national-wildlife-refuge-facts-show-makes-no-sense-david-murphy-column/942680001/](http://www.usatoday.com/story/opinion/2017/12/13/dont-drill-arctic-national-wildlife-refuge-facts-show-makes-no-sense-david-murphy-column/942680001/)

**A three year fix – the US Geological Survey estimates the Arctic could hold up to 90 billion barrels of oil. This sounds a lot, but that would only satisfy three years of the world’s oil demand.** These giant, rusting rigs with their inadequate oil spill response plans are risking the future of the Arctic for three years worth of oil. Surely it’s not worth taking such a risk?

It should be noted as well that shale oil companies in the lower 48 states can now break even with oil prices below $40 per barrel, while production in the Arctic required between $60 and $70 per barrel. Not many oil companies will jump at these prices. ConocoPhillips’ bid price was $14.99 per acre, a far cry from $1,300 per acre. The “energy security” argument put forth most recently by Senate Majority Leader Mitch McConnell is unconvincing. **Even if oil companies find oil in the Arctic refuge, it will increase U.S. oil reserves to a bit more than 3% of the global total. OPEC has 70%. There is no conceivable path to oil independence by producing oil domestically.**

[http://www.**BusinessInsider**.com/ap-shell-reports-net-loss-of-7.4-billion-after-arctic-exit-2015-10](http://www.businessinsider.com/ap-shell-reports-net-loss-of-7.4-billion-after-arctic-exit-2015-10)

LONDON (AP) — **Royal Dutch Shell reported a third quarter loss of $7.4 billion Thursday as it re-organized and cancelled projects**, including drilling in Alaska, to cope with the plunge in oil prices. The net loss compares with a profit of $4.5 billion in the same period last year. Shell reported $7.9 billion in charges, including $2.6 billion for Alaska and $2 billion related to the decision to cancel the Carmon Creek project in Alberta, Canada.

[https://www.**NationalGeographic**.com/magazine/2016/03/new-arctic-thawing-rapidly-circle-work-oil/](https://www.NationalGeographic.com/magazine/2016/03/new-arctic-thawing-rapidly-circle-work-oil/)

Shortly before Putin opened the new gas field on Yamal, **a large Korean factory trawler probing for pollack in the northern Bering Sea sank in heavy weather, taking more than 50 crew members with** it. The closest Coast Guard cutter was 580 miles away in Dutch Harbor in the Aleutians. That same outpost is more than a thousand miles from Alaska’s north coast, where oil rigs have been operating—and a cruise ship will soon. “The Crystal Serenity will have 1,700 people aboard,” said Charles D. Michel, vice commandant of the U.S. Coast Guard, at a conference in Anchorage last year. “This keeps me up at night. As a Coast Guardsman, I don’t want a repeat of the Titanic on my watch. But [a rescue] would be a very complex operation. It’s a very difficult area with difficult weather.”

Lee-**Ashley**, Matt, and Jenny Rowland. “Arctic National Wildlife Refuge 101.” **Center for American Progress**, 19 Oct. **2017**, [www.americanprogress.org/issues/green/news/2017/10/10/440559/arctic-national-wildlife-refuge-101/](http://www.americanprogress.org/issues/green/news/2017/10/10/440559/arctic-national-wildlife-refuge-101/)

Under President Donald Trump’s banner of so-called energy dominance, this latest push to sell out the Arctic Refuge to the oil industry is morally bankrupt, overwhelmingly unpopular, and fiscally **dishonest. A Center for American Progress analysis finds that offering oil and gas leases in the Arctic National Wildlife Refuge is likely to yield no more than $37.5 million in revenue for the U.S. Treasury over the next 10 years—far short of the $1 billion to $1.8 billion that drilling proponents claim could be raised.**

**Ruskin**, Liz, and Alaska Public Media. “BOEM Explains 75% Chance of Arctic Oil Spill.” **Alaska Public Media** ,27 Apr. 2015, [www.alaskapublic.org/2015/04/27/boem-explains-75-chance-of-arctic-oil-spill/](http://www.alaskapublic.org/2015/04/27/boem-explains-75-chance-of-arctic-oil-spill/)

Inside a thick government report on the impact of off-shore oil leasing in **the Chukchi Sea is a phrase that grabs the attention. It says there’s “75% chance of one or more large spills.**” The figure shows up often in the arguments of those trying to stop Shell from resuming its Arctic exploration program this summer in the Chukchi Sea, in part of what’s known as Lease Sale 193**. Today, the Bureau of Ocean Energy Management put out a fact sheet to clarify what it means by that 75 percent figure. Jim Kendall, Regional director of the Bureau of Ocean Energy Management, says the spill risk was calculated assuming full-on development of Lease Sale 193 over a long period.**

**Tewari**, Paul. “What Would an Oil Spill Mean for the Arctic?” **Nexus**, 17 Aug. **2017**, [blog.iiasa.ac.at/2017/08/16/what-would-an-oil-spill-mean-for-the-arctic/](file:///Users/nilay/Desktop/Debate/Sept-Oct%2018%27%20/Blocks/blog.iiasa.ac.at/2017/08/16/what-would-an-oil-spill-mean-for-the-arctic)

**It might even affect the food chain, at a local or global level. “If oil sinks to the seafloor, some species run the risk of dying or migrating due to destroyed habitat** – an example being walruses as they merely dive to get food from the sea floor,” adds Nevalainen. As the walrus is a key species in the food web, this has a high probability of upsetting the food chain.

### A/2: Deep Seabed Mining

1. **Non unique. Companies could just create foreign subsidiaries and mine in other areas, as Ford for The Engineer writes that Lockheed Martin created one in the UK and got a permit to mine. There is no reason we need UNCLOS.**
2. **Prove incentive- we already mine in other places; there’s no reason for the US companies to pay more and make the switch.**
3. **Delink. 5 reasons mining won’t happen.**
	1. **Opposition. The DSM writes that coastal communities launched legal proceedings to obtain documents, slowing the mining process.**
	2. **Chinese monopoly. Bell of Forbes writes that China controls 95 percent of rare earth metals. However, Fredenberg of The National Review explains that China has historically flooded the market to knock companies out of the market, meaning there’s no incentive.**
	3. **Money. Goddard for The Economist notes that the investment doesn’t add up and that risks are too high to mine. The DSM Campaign reports that major American companies have stopped investment.**
	4. **Technology. There is no ability to go into the deep seabed and mine, which is why there are no commercial deep seabed mining operations.**
	5. **Japan. Berke of Business Insider writes that Japan has a semi-infinite amount of REMs, and the US will more likely buy from them.**
4. **Delink impact. Green of Defense News explains that America cannot refine or process rare earth minerals, meaning even if we mine the REMs, we can’t use them.**
5. **Turn. Stone of Nature Geoscience argues that if the deep ocean is opened up to mining, a loss of biodiversity is “inevitable” and “likely to last forever on human scales, given the very slow natural rates of recovery.**

**Ford**, Jason. “Lockheed Martin Seabed Mining Venture Set to Explore Pacific – The Engineer.” **The Engineer** 17 May **2017**, [www.theengineer.co.uk/issues/march-2013-online/lockheed-martin-seabed-mining-venture-set-to-explore-pacific/](file:////Users/nilay/Desktop/Debate/Sept-Oct%2018%27%20/Blocks/Ford%2C%20Jason.%20)

The company, **a subsidiary of Lockheed Martin UK, has been granted the license by the International Seabed Authority (ISA) to explore 58,000km2 of the Pacific Ocean**’s Clarion-Clipperton zone over the next five years.

“Nautilus' Stock Plummets as Deep Sea Mining Litigation Proceeds.” Deep Sea Mining Out Of Our Depth, **Deep Sea Mining Campaign**, 17 July **2018**, [www.deepseaminingoutofourdepth.org/nautilus-stock-plummets-as-deep-sea-mining-litigation-proceeds/](http://www.deepseaminingoutofourdepth.org/nautilus-stock-plummets-as-deep-sea-mining-litigation-proceeds/)

**Coastal Communities have today launched legal proceedings** against the PNG Government **in a bid to obtain key documents relating to the licensing and the environmental, health and economic impacts of the Solwara 1 deep sea mining project. “**Very little information about the Solwara 1 project has been disclosed by PNG Government or the project developer, Nautilus Minerals”, stated Peter Bosip, Executive Director, Centre for Environmental Law and Community Rights (CELCoR). “Communities likely to be impacted by the project have no choice but to bring legal proceedings against the PNG Government.”

**Bell**, Larry. “China's Rare Earth Metals Monopoly Needn't Put An Electronics Stranglehold On America.” Forbes, Forbes Magazine, 30 Apr. **2012**, [www.forbes.com/sites/larrybell/2012/04/15/chinas-rare-earth-metals-monopoly-neednt-put-an-electronics-stranglehold-on-america/](file:////Users/nilay/Desktop/Debate/Sept-Oct%2018%27%20/Blocks/Bell%2C%20Larry.%20)

**China presently produces more than 95% of all rare earth materials that are vital in** the creation of a big variety of electronic technologies including lithium car batteries, solar panels, wind turbines, flat-screen television, compact fluorescent light bulbs, petroleum-to-gasoline catalytic cracking, and military defense components such as missile guidance systems. It also dominates abilities to process them.

**Fredenburg**, Mike. “Bad Trade Policies Are Hurting U.S. National Security.” **National Review**, National Review, 23 Mar. **2017**, [www.nationalreview.com/2017/03/united-states-china-trade-rare-earth-elements-negligent-policy-harms-american-national-security/](http://www.nationalreview.com/2017/03/united-states-china-trade-rare-earth-elements-negligent-policy-harms-american-national-security/)

**In 2012, U.S.-based Molycorp, attracted to the higher prices that resulted from the Chinese government’s efforts to boost profits by restricting REE exports, made plans to ramp up domestic REE production,** investing nearly $800 million in state-of-the-art mining operations in California. At the moment when the project was poised to succeed, **China flooded the market with REEs just long enough to knock Molycorp out of the market**. After its Chapter 11 bankruptcy reorganization, Beijing is allowing Molycorp to continue operations in China. But once again, the U.S. has no domestic REE production.

**Goddard**, Charles. “Making Deep-Sea Mining Pay.” The Folly of Ageism, **2018**, [www.theworldin.com/edition/2018/article/14449/making-deep-sea-mining-pay](http://www.theworldin.com/edition/2018/article/14449/making-deep-sea-mining-pay)

**The Deep Sea Mining Campaign**, which seeks a ban on experimental seabed mining, **says the investment case does not add up and the wider risks are too high.** The mining industry is more sanguine, but is watching closely to see if the venture’s gleaming new machines take to water and, if so, how the project performs.

“Nautilus' Stock Plummets as Deep Sea Mining Litigation Proceeds.” Deep Sea Mining Out Of Our Depth, **Deep Sea Mining Campaign**, 17 July **2018**, [www.deepseaminingoutofourdepth.org/nautilus-stock-plummets-as-deep-sea-mining-litigation-proceeds/](http://www.deepseaminingoutofourdepth.org/nautilus-stock-plummets-as-deep-sea-mining-litigation-proceeds/)

**Nautilus stock fell by 19% this month after a string of bad news stories.** These include the contract with their shipbuilding supplier had been canceled,[4] **major mining company** Anglo **American divesting its’ shares from the company**[5] and that the majority of the local community in New Ireland province oppose the renewal of Nautilus’ exploration license.

Jeremy **Berke**, 4-13-**2018**, "Japan just found a 'semi-infinite' deposit of rare-earth minerals — and it could be a 'game-changer' in competition with China," **Business Insider**, <span class="skimlinks-unlinked">[http://www.businessinsider.com/rare-earth-minerals-found-in-japan-2018-4</span>](http://www.businessinsider.com/rare-earth-minerals-found-in-japan-2018-4%3C/span%3E)

**Japan just found a 'semi-infinite' deposit of rare-earth minerals — and it could be a 'game-changer' in competition with China** • Scientists found a deposit of rare-earth minerals off the coast of Japan. • It could be a huge boon to the country's economy. • Because China has tightly controlled the world's supply of these minerals — which are used in everything from smartphones to electric car batteries — the discovery could be a "game-changer" for Japan, according to an analyst. Researchers have found a deposit of rare-earth minerals off the coast of Japan that could supply the world for centuries, according to a new study. The study, published in the journal Nature on Tuesday, says the deposit contains 16 million tons of the valuable metals. Rare-earth minerals are used in everything from smartphone batteries to electric vehicles. By definition, these minerals contain one or more of 17 metallic rare-earth elements (for those familiar with the periodic table, those are on the second row from the bottom). These elements are actually plentiful in layers of the Earth's crust, but are typically widely dispersed. Because of that, it is rare to find any substantial amount of the elements clumped together as extractable minerals, according to the USGS. Currently, there are only a few economically viable areas where they can be mined and they're generally expensive to extract.

<https://www.frontiersin.org/articles/10.3389/fmars.2017.00418/full>

Although **no commercial scale deep-sea mining has taken place**, a range of mining operations are active in the shallow seabed. However, exploration contracts for deep-sea resources have been awarded to companies from countries including China, the United Kingdom, Belgium, Germany, France and Japan for three different mineral resources: seafloor massive sulfides (SMS), ferromanganese crusts and polymetallic nodules.

**Green**, Jeffery. “America's Critical Minerals Problem Has Gone from Bad to Worse.” **Defense News**, Defense News, 2 May **2018**, [www.defensenews.com/opinion/2018/05/02/americas-critical-minerals-problem-has-gone-from-bad-to-worse/](http://www.defensenews.com/opinion/2018/05/02/americas-critical-minerals-problem-has-gone-from-bad-to-worse/)

According to the United States Geological Survey, the **United States relies on Chinese imports for at least 20 minerals and has little or no capacity to mine, refine, and process its own minerals from start to finish.** As a recent executive order on critical minerals makes clear, this “strategic vulnerability” poses a significant national security risk.

Maddie **Stone**, 6-26-**2017**, "The Impacts of Deep Ocean Mining Will 'Last Forever,' Scientists Warn," Gizmodo, <https://gizmodo.com/the-impacts-of-deep-ocean-mining-will-last-forever-sci-1796392074>

In a letter published in Nature Geoscience today—including two who have received research support from deep ocean mining company Nautilus Minerals—**argue that if the deep ocean is opened up to mining, a loss of biodiversity is “inevitable” and “likely to last forever on human scales, given the very slow natural rates of recovery in affected ecosystems.”**

## A/2: China

### A/2: SCS Conflict

1. **Three reasons why war will never erupt.**
	1. **American navy. Kuok of Brookings explains that current operations are being used to counter China’s attempts to control the South China Sea, stopping Beijing from gaining internal waters.**
	2. **Tensions. Valencia of The Diplomat writes that the South China Sea has settled to a new state normalcy, where countries still display power but won’t go to war.**
	3. **Negotiations. Pitlo of The South China Morning Post explains that due to negotiations, there is a code for unplanned encounters, a hotline for communication, and a code of conduct framework to have maritime cooperation and peace.**
2. **Delink. Bo of The National Interest writes that the South China Sea is cooling down, as no one has lost the sea and no one will. 2 warrants.**
	1. **In the short term, he writes that nor China or America has the capacity to control the South China Sea**
	2. **In the long term, he finds that both sides will inevitably establish inclusive security to stop their destruction.**
3. **Turn. Mitchell of The University of Iowa find that countries are twice as more likely to go to conflict if they are in UNCLOS as opposed to being out of it.**

**Kuok**, Lynn. “The U.S. FON Program in the South China Sea.” **Brookings**, Brookings, 28 July **2016**, [www.brookings.edu/research/the-u-s-fon-program-in-the-south-china-sea/](http://www.brookings.edu/research/the-u-s-fon-program-in-the-south-china-sea/)

In the South China Sea, FON operations have taken on additional significance given China’s strategic ambiguity. In the past, FON operations were undertaken to challenge excessive maritime claims. **They are now, however, arguably being conducted to pre-empt them—a course of action necessitated by China’s continued refusal to clarify its claims**. Such operations may, accordingly, be better framed as assertions of maritime rights (so that these rights are reinforced and not detracted from in the future), rather than as challenges to excessive maritime claims. This recasting is particularly appropriate in the Spratlys where China has been especially vague about its maritime claims. **Effectively employed, FON operations could help counter China’s attempts to assert de facto control over the South China Sea. They will also raise the costs of Beijing declaring straight baselines around the Spratlys and attempting to convert the waters within these lines to internal waters.**

**Valencia**, Mark J. “The South China Sea: Reality Is Slowly Sinking In.” The Diplomat, The **Diplomat**, 26 Apr. **2018**, [thediplomat.com/2018/04/the-south-china-sea-reality-is-slowly-sinking-in/](http://thediplomat.com/2018/04/the-south-china-sea-reality-is-slowly-sinking-in/)

As a result of these probably predictable developments, **the South China Sea situation appears to have at least temporarily settled into a “new normal” that neither China nor the United States are likely to disturb. In this new normal, both will continue their naval and air force displays of power in the South China Sea**; defend their policies, positions, and actions; criticize each others’; and enhance relations with regional countries, including military relations. The United States will continue its sporadic and provocative freedom of navigation operations (FONOPs) against China’s claims and China will continue to respond by sharply criticizing them and using them as an excuse to further militarize its features.

**Pitlo**, Lucio Blanco. “How the Philippines Can Play Peacemaker with China and Asean.” **South China Morning Post**, South China Morning Post, 5 Sept. **2018**, [www.scmp.com/comment/insight-opinion/asia/article/2162674/how-philippines-can-play-peacemaker-asean-while-banking](http://www.scmp.com/comment/insight-opinion/asia/article/2162674/how-philippines-can-play-peacemaker-asean-while-banking)

There has been notable progress in the handling of the South China Sea disputes in the past two years. **A code for unplanned encounters at sea, hotline communications, a code of conduct framework and naval exercises are noteworthy regional accomplishments. In bilateral terms, a joint coastguard committee for maritime cooperation** and a high-level bilateral consultation mechanism was established between the Philippines and China, and proposals for joint exploration for oil and gas are under negotiation.

**Bo**, Hu. “No One Lost the South China Sea (And No One Will Win).” The National Interest, The Center for **the National Interest**, 21 Aug. **2018**, nationalinterest.org/feature/no-one-lost-south-china-sea-and-no-one-will-win-29337

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’ 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.**

<https://ir.uiowa.edu/cgi/viewcontent.cgi?article=1003&context=polisci_pubs>

While it appears that neither privatization nor institutionalization predicts state decisions to employ militarized force over maritime claims, we do find a stronger relationship if we control for the revisionist status of the states in the dyad. The challenger state is identified by the ICOW Project as the state challenging the status quo maritime boundary or resource extraction rights, while the target state is the state defending the status quo. If distributional issues are not resolved by the establishment of EEZs or through the institutional mechanisms created by UNCLOS, then challengers may be willing to employ militarized force as they are more likely to view the existing distribution of maritime resources as unacceptable. When controlling for revisionist types, we find a significant relationship between UNCLOS membership and militarization of maritime claims. **Militarized disputes occur in 5% of claim dyad-years if the challenger belongs to UNCLOS, compared to 2.6% of claim dyad-years where the challenger state does not belong to UNCLOS** (χ 2 = 4.63, p=0.031). Thus we have some evidence that UNCLOS fails in its goal of promoting peaceful settlement of maritime claims if it fails to address potential distributional problems stemming from the agreement.

### A/2: ECS Conflict

1. **Delink. Beauchamp of Think Progress writes that historically, tensions have spiked in the East China Sea without bleeding into conflict. Four warrants.**
	1. **China has a no clash policy in place over the islands in the East China Sea, the main source of tension in the area.**
	2. **There are strategic reasons that all sides are okay with the status quo**
	3. **China has an interest in not seeming like an aggressor state in the region as its historically caused other regional powers to put away differences.**
2. **No Chinese incentive for war. Two reasons.**
	1. **Koo of Chung-Ang University in a 40 year analysis of East China Sea flareups found that economic ties have defused tensions.**
	2. **Beitelman of Dalhouise University explains that that China knows It will not win the conflict because of a stronger Japan and the US pivot.**

**Beauchamp**, Zach. “Why Everyone Needs To Stop Freaking Out About War With China.” **ThinkProgress**, ThinkProgress, 7 Feb. **2014**, thinkprogress.org/why-everyone-needs-to-stop-freaking-out-about-war-with-china-29354eaa709d/

**China** (at least nominally) **has a no-clash-**with-Japan **policy in place over the islands.** That also helps explain why the most commonly-cited Senkaku/Diaoyu spark, accidental escalation, isn’t as likely as many suggest. When The Wall Street Journal’s Andrew Browne writes that there’s a “real risk of an accident leading to a standoff from which leaders in both countries would find it hard to back down in the face of popular nationalist pressure,” he’s not wrong. But it won’t happen just because two planes happen across each other in the sky**. In 2013, with tensions running high the whole year, Japan scrambled fighters against Chinese aircraft 433 times. Indeed, tensions have flared up a number of times throughout the years** (often sparked by nationalist activists on side of the other) **without managing to bleed over into war.** That’s because, as MIT East Asia expert M. Taylor Fravel argues, **there are deep strategic reasons why each side is, broadly speaking, OK with the status quo over and above nuclear deterrence. China has an interest in not seeming like an aggressor state in the region, as that’s historically caused other regional powers to put away their differences a**nd line up against it. Japan currently has control over the islands, which would make any strong moves by China seem like an attempt to overthrow the status quo power balance.

M.G. Koo, a political scientist at Chung-Ang University, **surveyed several Senkaku-Diaoyu flareups between 1969 and 2009. He found that economic ties between the** two **countries played an increasingly large role in defusing tensions** as the trade relationship between the two countries deepened.

David A. **Beitelman** 12, PhD student in Political Science at **Dalhousie University** and a Doctoral Fellow at the Centre for Foreign Policy Studies in Halifax, Nova Scotia, Canada, September **2012**, “Senkaku Islands Dispute: Do Not Believe the Hype, China and Japan Are Not About to Go to War,” http://www.policymic.com/articles/14910/senkaku-islands-dispute-do-not-believe-the-hype-china-and-japan-are-not-about-to-go-to-war

With the economy slowing and the perception that the ruling party is corrupt, out of touch, and incompetent, while in the midst of a power transition, it becomes easy to see why the CCP may benefit from ratcheting up nationalist sentiment, particularly against its long-time rival Japan. **It is unlikely the Chinese government would allow the situation to escalate to a point of actual conflict. Not only does China have important economic relations with its neighbors, including Japan, it knows it is a conflict it cannot win.** The rise in tensions in the South China Sea come in midst of America’s – a large scale multi- dimensional strategic realignment of military, economic, and political resources to the Asia-Pacific region that began in earnest in November 2011

### A/2: Island Building

1. **Two ways China has stopped building islands.**
	1. **Mogato of Reuters notes that China Is trying to strengthen Asian relations, which is why he concludes there is a new way to get along that prohibits occupation of new islands.**
	2. **Wong of The New York Times writes that China is trying to reduce tensions with the US by ending the artificial island program.**
2. **Overall, Chinese foreign minister Lu Kang announced that China’s island building in the South China Sea has drawn to a close.**

**Mogato**, Manuel. “Philippines Says China Agrees on No New Expansion in South China Sea.” **Reuters**, Thomson Reuters, 16 Aug. **2017**, [www.reuters.com/article/us-southchinasea-philippines-china-idUSKCN1AV0VJ](http://www.reuters.com/article/us-southchinasea-philippines-china-idUSKCN1AV0VJ)

MANILA (Reuters) - **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.**

**Wong**, Edward. “As Tensions With U.S. Grow, Beijing Says It Will Stop Building Artificial Islands in South China Sea.” **The New York Times**, The New York Times, 21 Dec. **2017**, www.nytimes.com/2015/06/17/world/asia/china-to-halt-its-building-of-islands-but-not-its-projects-on-them.html

**By declaring Tuesday that it would soon complete its contentious program of building artificial islands in the South China Sea, Beijing hopes to diminish tensions with the United States while reassuring its home audience that it has delivered on its pledge to resist American military pressure, experts said.** Leaders from the United States and China are set to meet next week in Washington at a major annual conference, the Strategic and Economic Dialogue. A topic of the talks there is expected to be the Obama administration’s opposition to China’s building in the disputed waters, including the construction of a runway capable of handling military aircraft.

**Tiezzi**, Shannon. “Why China Is Stopping Its South China Sea Island-Building (For Now).” **The Diplomat**, The Diplomat, 17 June **2015**, [thediplomat.com/2015/06/why-china-is-stopping-its-south-china-sea-island-building-for-now/](http://thediplomat.com/2015/06/why-china-is-stopping-its-south-china-sea-island-building-for-now/)

**China’s island-building in the South China Sea is drawing to a close**, Foreign Ministry spokesperson Lu Kang announced on Tuesday. “[A]s planned, the land reclamation project of China’s construction on some stationed islands and reefs of the Nansha [Spratly] Islands will be completed in the upcoming days,” he said in a statement.

### A/2: Legitimacy

1. **In the status quo, the U.S. has a seat at much large organizations such as the UN and NATO, which are much more specific, binding, and powerful than UNCLOS. They don’t prove why UNLCOS helps so much more.**
2. **Delink. Blumenthal of The Diplomat explains at the point where the US already acts in accordance with UNCLOS whereas China who has ratified still breaks the law, signing in won’t make a difference. You prefer this reasoning at the point where there is no specific evidence that says China will listen due to more legitimacy.**
3. **Double Bind. To maintain legitimacy in UNCLOS, the US would most likely bring China to the International Tribunal for prosecution. At this point, there are two scenarios.**
	1. **China can win the case, as Rao in 2016 explains that it would be highly difficult for the Tribunal to assess claims of China over maritime features. This means that China is more emboldened to continue any action, enticing conflict and stopping diplomacy.**
	2. **The US can win the case. In this case, Mollman of Quartz notes that China would exit the convention if the tribunal counters that the South China Sea is its territory, short circuiting any chance of diplomacy.**

**Blumenthal**, Dan. “Why to Forget UNCLOS.” **The Diplomat**, The Diplomat, 17 Feb. **2012**, [thediplomat.com/2012/02/why-to-forget-unclos/](http://thediplomat.com/2012/02/why-to-forget-unclos/)

Proponents of UNCLOS ratification claim that the United States can’t counter China’s claims without ratifying UNCLOS itself. **Yet the United States already acts in accordance with international law and custom, whereas China, which has ratified UNCLOS, uses UNCLOS to flaunt the law.** By twisting the UNCLOS into pretzels, China is changing the rules of the game. The liberal order made rules to accommodate the rights and interests of those who decided to participate in it. It turns out China doesn’t much like those rules and is attempting to overturn them – especially those rules that protect freedom of navigation and those that make it difficult for China to pursue its territorial ambitions in Asia. Ratifying UNCLOS isn’t an effective way to combat that effort. These disputes are about power politics and neither China nor the United States will allow them to be settled in court – UNCLOS approved or otherwise.

**Rao**, Sreenivasa. “South China Sea Arbitration (The Philippines v. China): Assessment of the Award on Jurisdiction and Admissibility | **Chinese Journal of International Law** | Oxford Academic.” OUP Academic, Oxford University Press, 20 June **2016**, [academic.oup.com/chinesejil/article/15/2/265/2548386](http://academic.oup.com/chinesejil/article/15/2/265/2548386)

**Given the above, it would be highly difficult for the Tribunal to assess the claims of China over various contested maritime features merely in terms of their status as geological features under UNCLOS.** In any case disputes concerning “historic bays” can be excluded from the procedures of compulsory settlement of disputes.99 70. From the above, it is apparent that the attempt to separate issues and evidence concerning historic titles and attempting to focus on interpretation and application of the provisions of the Convention is not possible; and in the end it might turn out to be a futile exercise.

**Mollman**, Steve. “China Is Threatening to Leave a Major UN Sea Treaty-and There's Nothing the US Can Say about It.” Quartz, **Quartz**, 21 June **2016**, [qz.com/712170/china-is-threatening-to-leave-a-major-un-sea-treaty-and-theres-nothing-the-us-can-say-about-it/](http://qz.com/712170/china-is-threatening-to-leave-a-major-un-sea-treaty-and-theres-nothing-the-us-can-say-about-it/)

Over 160 countries and the European Union have signed on to the United Nations Convention on the Law of the Sea (Unclos). The United States, however, has long declined to do so. **Now, China has indicated that it might exit the convention if an upcoming ruling by an international tribunal runs counter to its questionable position: that nearly the entire South China Sea is its territory.** The US is urging China to respect the upcoming ruling, which could happen this month and is widely expected to favor the Philippines. In 2013 the Philippines petitioned an international tribunal—the Permanent Court of Arbitration, in The Hague—to rule on whether China’s “nine-dash line” (see below) is valid, under Unclos.

###  A/2: Multilateralism

1. **Status quo is solving. The Japan Times this August reports that China and the ASEAN group of 10 countries are creating a code of conduct in order to reduce tensions. It is seeing success, as they continue that there has been a joint maritime exercise.**
	1. **Timeframe. ASEAN took since 2002 to negotiate a successful Code of Conduct to stop China. There’s no reason as to why the US will be immediate.**
	2. **Probability. These negotiations occur now, while UNCLOS has literally never lead to peace.**
2. **Turn. Ford of The Diplomat explains by putting Asia at the center of security strategy, there is a perception of trying to control China militarily, which leads to China becoming aggressive. This is what happened in 2008 when Obama attempted multilateral efforts.**
3. **Three reasons why countries will never flip to the US’s side.**
	1. **The Economist explains that China funds billions in infrastructure towards East Asian countries. They prefer this to no help from US; their survival comes first.**
	2. **Countries more worried about Chinese backlash.**
	3. **Delaney of The South China Morining Post writes that Trump is alienating strategic allies need to confront China.**
4. **Contextualize what multilateralism is- we should be working the China now through other organizations now.**

 “South China Sea Stakes Not Limited to China, ASEAN.” **The Japan Times**, 6 Aug. **2018**, [www.japantimes.co.jp/opinion/2018/08/06/editorials/south-china-sea-stakes-not-limited-china-asean/](http://www.japantimes.co.jp/opinion/2018/08/06/editorials/south-china-sea-stakes-not-limited-china-asean/)

**China and the 10 members of the Association of Southeast Asian Nations are making progress in efforts to reduce tensions and build a less contentious relationship. The 11 governments produced a draft code of conduct for the South China Sea,** a document nearly two decades in the making. In addition, **last week they held the inaugural ASEAN-China maritime exercise**, which is intended to become a regular feature of their relationship. These developments are welcome. At the same time, however, those parties must also recognize that the South China Sea is an international waterway that has great significance for many other countries. They, too, must have some say in the legal regime that emerges.

**Ford**, John. “The Pivot to Asia Was Obama's Biggest Mistake.” **The Diplomat**, The Diplomat, 24 Jan. **2017**, [thediplomat.com/2017/01/the-pivot-to-asia-was-obamas-biggest-mistake/](http://thediplomat.com/2017/01/the-pivot-to-asia-was-obamas-biggest-mistake/)

First, it is simply wrong that the United States was ignoring the Asia Pacific when Barack Obama came to office. Far from being neglectful, the Bush administration’s Asia policy was a success. The Bush administration helped get tensions between China and Taiwan to a historic low. It concluded free trade agreements with Australia, South Korea, and Singapore and began talks on what became the Trans-Pacific Partnership (TPP). It also concluded a civilian nuclear agreement with India and forged a new relationship with that country while simultaneously managing to build a partnership with Pakistan to deal with Afghanistan. Some of these policies were later repackaged by the Obama administration as part of the pivot. The pivot did include some new diplomatic initiatives (such as the rapprochement with Myanmar) but the real problem was the shift in security and defense policy. **By putting Asia at the center of its security strategy, the Obama administration inadvertently made the entire enterprise seem to Beijing like an effort to contain China militarily. This led China to respond by becoming more aggressive, helping to undo the general tranquility that existed before 2008.**

“What Is China's Belt and Road Initiative?” The Economist, **The Economist Newspaper**, 14 May **2017**, [www.economist.com/the-economist-explains/2017/05/14/what-is-chinas-belt-and-road-initiative](http://www.economist.com/the-economist-explains/2017/05/14/what-is-chinas-belt-and-road-initiative)

OVER the weekend Xi Jinping welcomed 28 heads of state and government to Beijing for a coming-out party, which continues today, to celebrate the “belt and road” initiative, his most ambitious foreign policy. **Launched in 2013 as “one belt, one road”, it involves China underwriting billions of dollars of infrastructure investment in countries along the old Silk Road linking it with Europe.** The ambition is immense. China is spending roughly $150bn a year in the 68 countries that have signed up to the scheme. The summit meeting (called a forum) has attracted the largest number of foreign dignitaries to Beijing since the Olympic Games in 2008.

**Delaney**, Robert. “Trump Alienating Allies US Needs to Confront China on Trade, Panel Warns.” **South China Morning Post**, South China Morning Post, 8 June **2018**, [www.scmp.com/news/china/diplomacy-defence/article/2150003/donald-trump-alienating-allies-us-needs-confront-china](http://www.scmp.com/news/china/diplomacy-defence/article/2150003/donald-trump-alienating-allies-us-needs-confront-china)

“I like your big, bold approach,” Talent told Jennifer Hillman, a Georgetown Law School professor and former member of the WTO Appellate Body, who was also called to testify. **The warning about pursuing bilateral agreements with Beijing while antagonising strategic allies adds to the pressure on Trump,** who is fighting bipartisan congressional action that seeks to undermine other areas of his China policy. On Thursday, senators from both parties introduced legislation that would undo US Commerce Secretary Wilbur Ross’s plan to rescind sanctions against ZTE, the Chinese telecommunications equipment maker.

### A/2: Diplomacy

1. **Need to prove why the US will even begin negotiations in China. We are pursuing hard power now; why does UNCLOS force the switch.**
2. **Turn. Diehl of UT Dallas explains that repeated diplomatic failure sours parties on future initiatives because it convinces them that differences cannot be resolved. He concludes this leads to continued armed conflict to reach one’s goals.**
3. **4 reasons why US led diplomacy with China is going to fail. Every reason is a turn because Diehl of.**
	1. **Trade war. Manchester of The Hill explains that because of US sanctions, China will not have negotiations on current issues with them.**
	2. **No incentive. Ying of Foreign Policy reports that China is going to ignore dispute resolution of UNCLOS because they see it as illegitimate and this is legal through Article 298 of UNCLOS.**
	3. **Sabotage. Scimia of The South China Morning Post writes that America is likely to sabotage any agreement because it could damage its position in the region.**
	4. **Politics. Chinese president Xi Jinping has stated that he refuses to give any inch of territory to the US because it is ancestral.**

**[Link to Diehl on Google Books]**

[https://books.google.com/books?id=yBrL7uAqeCsC&pg=PA166&lpg=PA166&dq=diplomatic+failure+may+sour+the+parties+on+future+initiatives&source=bl&ots=BfLAaEnAC4&sig=fvq4l3S-NhG0TkKuehQM73Rx4Ro&hl=en&sa=X&ved=2ahUKEwjJ6Mq0qt7dAhUNcq0KHQO5DIgQ6AEwAHoECAkQAQ#v=on](https://books.google.com/books?id=yBrL7uAqeCsC&pg=PA166&lpg=PA166&dq=diplomatic+failure+may+sour+the+parties+on+future+initiatives&source=bl&ots=BfLAaEnAC4&sig=fvq4l3S-NhG0TkKuehQM73Rx4Ro&hl=en&sa=X&ved=2ahUKEwjJ6Mq0qt7dAhUNcq0KHQO5DIgQ6AEwAHoECAkQAQ#v=onepage&q=diplomatic%20failure%20may%20sour%20the%20parties%20on%20future%20initiatives&f=false)

**Manchester,** Julia. “China: Negotiations with US Impossible under 'Current Conditions'.” **The Hill**, The Hill, 9 Apr. **2018**, [thehill.com/policy/international/382240-china-negotiations-with-us-impossible-under-current-conditions](http://thehill.com/policy/international/382240-china-negotiations-with-us-impossible-under-current-conditions)

China on Monday ripped U.S. actions in the trade dispute between the two countries, **saying it is impossible to negotiate with Washington under present conditions. “Under the current circumstances, both sides, even more, cannot have talks on these issues**,” Chinese Foreign Ministry spokesman Geng Shuang told reporters, according to Reuters. “The United States with one hand wields the threat of sanctions, and at the same time says they are willing to talk. I’m not sure who the United States is putting on this act for,” Geng continued.

**Jiang**, Steven. “China Will Not Give up 'Any Inch of Territory' in the Pacific, Xi Tells Mattis.” CNN, **Cable News Network**, 28 June **2018**, [www.cnn.com/2018/06/27/asia/mattis-china-xi-meeting-intl/index.html](http://www.cnn.com/2018/06/27/asia/mattis-china-xi-meeting-intl/index.html)

**China will not give up "any inch of territory" in the Pacific Ocean, President Xi Jinping told US Defense Secretary James Mattis Wednesday during a visit to Beijing.** "Our stance is steadfast and clear-cut when it comes to China's sovereignty and territorial integrity," Xi said, according to state media, adding that "any inch of territory passed down from ancestors can not be lost while we want nothing from others." Mattis' meeting with Xi inside the Great Hall of the People comes as relations between Washington and Beijing have been marred recently by rising tensions -- not only by an impending trade war but also by both militaries viewing each other with increasing suspicion and alarm.

China and the Association of Southeast Asian Nations now have a single text to negotiate a code of conduct in the South China Sea, where four Asean member countries – Brunei, Malaysia, the Philippines and Vietnam – are locked in territorial disputes with Beijing. The announcement, which came on Thursday during the Asean-China ministerial meeting, was hailed as a milestone by both sides. OPINION Get updates direct to your inbox E-mail \* Enter your email By registering you agree to our T&Cs & Privacy Policy However, the concerned parties are a long way from reaching a consensus on a final document, and the **United States is likely to try to sabotage any agreement that could weaken its position in the region.**

**Ying**, Fu. “Why China Says No to the Arbitration on the South China Sea.” **Foreign Policy**, Foreign Policy, 11 July **2016**, foreignpolicy.com/2016/07/10/why-china-says-no-to-the-arbitration-on-the-south-china-sea/

The Philippines’ arbitration relates to the dispute over the sovereignty of islands and reefs in the South China Sea, and to maritime delimitation. But these territorial issues are not regulated by — and therefore beyond the scope of — the U.N. Convention on the Law of the Sea (UNCLOS). **And in 2006, China declared it would exclude “disputes concerning maritime delimitation” from compulsory arbitration, under Article 298 of UNCLOS.** Second, the Philippines’ unilateral initiation of compulsory arbitration did not meet UNCLOS preconditions for such initiation. The “no arbitration without the existence of a dispute” principle requires that before resorting to compulsory arbitration, there must have existed a real dispute between the parties. However, China has not yet presented specific claims with individual islands: Instead, it has always treated them as part of its Zhongsha Islands or Nansha Islands in the South China Sea.

### A/2: Trade

1. **China will never stop all trade due to the fact that it is profitable to use South China Sea; Need to prove why trade prices will spike.**
2. **The impact means trade should be plunging in status quo because of tensions. Yi of Xinhua News reports that in 2008, when China conflict started, trade was worth 2.61 trillion dollars. It is now 5.3 trillion.**

http://www.xinhuanet.com/english/2017-08/05/c\_136501709.htm

**Global trade through the South China Sea totaled 28 trillion U.S. dollars from 2008 to 2016, with annual value rising from 2.61 trillion dollars in 2008** to 3.37 trillion in 2016, a U.S. leading think tank said in a report on Friday. The data came from a team lead by Bonnie Glaser with Center for Strategic & International Studies. In pursuit of an accurate estimation, the team constructed a new dataset for South China Sea trade using common shipping routes, automatic identification system data, and bilateral trade flows. The new research finds that an estimated 3.37 trillion dollars in trade passed through the South China Sea in 2016. "These estimates represent a sizeable proportion of international trade, constituting between 21 percent of global trade in 2016," the research said.

### A/2: Monopoly

1. **No impact. Morris of The Western Journal reports that the last time China tried to cut off REMs, countries appealed to the World Trade Organization, who ruled against China, which is why there was no long term impact.**
2. **Japan already found a semi-infinite supply of REMs, meaning the US doesn’t have to break the monopoly, China will.**

**Morris**, Dick May 24 th **2018**.“Dick Morris: End China’s Monopoly on Rare Earth Metals” **The Western Journal**. [https://www.westernjournal.com/dick-morris-end-chinas-monopoly-on-rare-earth-metals/](v)

010, it lowered its quota of rare earth exports 40 percent, prompting a worldwide surge in prices. **The United States, the European Union and Japan appealed to the World Trade Organization, which ruled against China.**

## A/2: Sovereignty

### A/2: Seat At Table

1. **Three reasons as to why a vote in UNCLOS will never matter.**
	1. **Van Dyke of The Ocean Yearbook writes that on the council, there are 35 total members and each decision needs a 2/3 majority, meaning the US couldn’t just pass its agenda.**
	2. **The International Seabed Authority has 168 members with a vote, meaning the US won’t immediately get its way.**
	3. **This includes countries like China, Russia, and Iran all of who will always sway the vote against the United States.**

**Van Dyke**, Jon M. "U.S. Accession to the Law of the Sea Convention ." **Ocean Yearbook**. Vol. 22. (**2008**): 47-59.

Perhaps the most significant change for the United States concerned decision-making within the International Seabed Authority. Article 161 of the Convention established a sophisticated decision-making procedure calling for different levels of enhanced majorities depending on the type of decision being made. Section 3 of the Part XI Agreement restructured this procedure by establishing a system of ‘‘chambered voting’’ within the Seabed Authority’s governing Council, to protect minority interests while at the same time allowing majority rule under a one-nation one-vote system. This approach was originally advocated by the Nixon Administration in 1970 when it outlined a system of decision-making for the body that eventually became the International Seabed Authority. **As modified in 1994, the Council, which is the main decision-making body of the International Seabed Authority, now consists of 35 members and has four distinct ‘‘chambers’’ of nations representing different interest groups.** One chamber consists of four of the nations with the world’s largest economies, with a specific seat allocated to the United States (if it ratifies the Convention) and one reserved for an Eastern European nation. The second chamber consists of four of the nations that have made the largest investments in deep seabed mining. The third chamber includes four of the nations that are net exporters of the minerals to be mined from the sea floor, including at least two developing countries that rely heavily on the income from these minerals. And the fourth chamber consists of all the other developing nations that are elected to the Council. **All questions of substance must be adopted by a two-thirds majority of the entire Council** and cannot be opposed by a majority in any of the chambers. In other words, each chamber can veto any decision and block action. Certain key decisions can be made only if there is ‘‘consensus’’ of the entire Council.

<https://www.isa.org.jm/member-states>

**There are one hundred and sixty eight (168) members of the International Seabed Authority** as at 25 July 2017. A chronological list of ratifications, accessions and successions to the United Nations Convention of the Law of the Sea (LOSC) is also available online.

### A/2: Foreign Aid

1. **Turn. Foreign aid is bad under UNCLOS for 4 reasons**
	1. **Conflict. Nunn of Harvard quantifies that increasing aid by 10 percent increases the incidence of conflict by 4 percent.**
	2. **Reward. Anthony of The Guardian explains that aid has rewarded the perpetrators of ethnic cleansing and genocide rather than the victims.**
	3. **Poverty. Leeson of The Independent Institute notes that aid keeps poor societies in a vicious cycle of poverty.**
	4. **Corruption. Ear of The World Economic Forum continues that aid instills a sense of lethargy amongst government officials that promotes corrupt or inefficient uses of money.**
2. **The Timirzi evidence from case indicates that aid may be good in the short term, but fails in the long term.**

**Anthony**, Andrew. “Does Humanitarian Aid Prolong Wars?” The Guardian, Guardian News and Media, 24 Apr. **2010**, [www.theguardian.com/society/2010/apr/25/humanitarian-aid-war-linda-polman](http://www.theguardian.com/society/2010/apr/25/humanitarian-aid-war-linda-polman)

All too frequently, according to Polman, the result is not what it says in the charity brochures. She cites a damning catalogue of examples from Biafra to Darfur, and including the Ethiopian famine, in **which humanitarian aid has helped prolong wars, or rewarded the perpetrators of ethnic cleansing and genocide rather than the victims.** Perhaps the most striking case in the book deals with the aftermath of the genocide in Rwanda in which the Hutu killers fled en masse across the border to what was then Zaire (now the Democratic Republic of Congo). There, in Goma, huge refugee camps were assembled and served by an enormous array of international agencies, while back in Rwanda, where Tutsi corpses filled rivers and lakes, aid was not so focused. The world was looking for refugees, the symbol of human catastrophe, and the refugees were Hutus. This meant the militias that had committed the atrocities received food, shelter and support, courtesy of international appeals, while their surviving victims were left destitute.

<https://scholar.harvard.edu/files/nunn/files/faidconf_20130806_final_0.pdf>

For a country that receives the sample mean quantity of US food aid of approximately 27,610 MT **($7.6 million in 2008**) and experiences the mean incidence of conflict (17.6 percentage points), **our estimates imply that increasing** food **aid by 10 percent increases** the incidence of conflict by approximately 0.70 percentage points. This increase equals approximately **4 percent of the** mean **incidence of conflict.**

<http://www.peterleeson.com/Escaping_Poverty.pdf>

As noted above, Bauer answered his own question by pointing to the wisdom of Smith. But he went further. Not only is aid unnecessary for development; he argued; it may very well depress economic development in the countries it is designed to help. As Bauer put it, “**Development aid, far from being necessary to rescue poor societies from a vicious circle of poverty, is far more likely to keep them in that state.”**

**Ear**, Sophal. “Does Foreign Aid Fuel Corruption?” **World Economic Forum**, 3 Dec. **2012**, [www.weforum.org/agenda/2012/12/does-foreign-aid-fuel-corruption/](http://www.weforum.org/agenda/2012/12/does-foreign-aid-fuel-corruption/)

Even debt forgiveness is bad for the economy in the long run since **it [aid] sends a signal to the government that borrowed money need not be repaid. This in turn inculcates a sense of lethargy amongst government officials that promotes corrupt or inefficient uses of money.** If loans have to be paid back, donors are likely to ask for a clear plan to raise the money for repayments. Such a plan is likely to benefit the long-term fiscal health of the country.

On the other hand, if one combined both current domestic revenues and estimates of corruption, Cambodia would have the required resources to develop on its own. However, it is likely that the steady influx of aid is disrupting the relationship between citizens and the administration. Using 2002-2010 data from the WDI, for every dollar spent by the central government, more than 94 cents of net foreign aid was received. **Essentially, for every dollar the government spent, it received almost one dollar. The motivation to independently develop is lost.**

### A/2: PSI

1. **They need to show how many countries and which meet the brightline to be more effective.**
2. **If I’m a country and get reports of nuclear weapons in my borders, I’m going to stop it at all costs because it’s a matter of national security. PSI does not uniquely change this.**
3. **No impact. 2 reasons.**
	1. **The Department of State writes there’s already 105 countries in PSI. There’s already enough, no reason why we need so many more countries.**
	2. **Newman of The NPR reasons that opposition to the PSI is not as widespread nor deep rooted as may have been anticipated.**
4. **RAND Corporation explains that PSI has become stronger now and that the US has added 90 participants. Don’t change a working system.**
5. **Turn. UNCLOS makes PSI worse. Three reasons why.**
	1. **Leitner at The Senate explains that UNCLOS would override US efforts to intercept vessels of terrorists or foreign governments.**
	2. **Gaffney of Center for Security Policy reports that UNCLOS would stop US efforts to search the shipment of crude oil and other toxic materials.**
	3. **Goldsmith for The Washington Post notes that if in UNCLOS, the US would be subject to two tribunals who judge the legality of the their actions and rule against the US.**

<https://www.state.gov/t/isn/c10390.htm>

<https://en.wikipedia.org/wiki/List_of_parties_to_the_United_Nations_Convention_on_the_Law_of_the_Sea>, <https://www.psi.org/work-impact/countries//>.

**Newman**, Andrew. “THE PROLIFERATION SECURITY INITIATIVE” The Asia-Pacific Context. August 8th **2006**. <https://www.tandfonline.com/doi/abs/10.1080/10736700500378935?src=recsys&journalCode=rnpr20>

The Asia-Pacific is emerging as a critical region in the fight against the proliferation of weapons of mass destruction. The Proliferation Security Initiative (PSI) is an aggressive global strategy designed to interdict the transport of these weapons and associated technologies. However, some observers have suggested that the Asia-Pacific has given the PSI a less than enthusiastic reception [However]. The authors posit a more sanguine view. They caution against taking such a holistic approach to the region. Asia does not speak with one voice when it comes to security, and **opposition to the PSI is not as widespread nor deep-rooted as may have been anticipated.** In addition, the PSI's informal structure encourages flexibility, enabling states to participate in certain activitieswhile eschewing others that may be technically or politically untenable.

<https://www.rand.org/content/dam/rand/pubs/monographs/2008/RAND_MG806.pdf>

Although **PSI was initiated by the United States, it has become impressively multilateral and now has 91 participants.** Participation depends solely on general endorsement of the initiative’s interdiction principles,4 and each country is given wide latitude on its level of participation.

**Leitner**, Peter. "Testimony of Peter Leitner: Oversight hearing to examine the "United Nations Convention on the Law of the Sea". (March 24, **2004**) . <http://proconservative.net/PCVol6Is135LeitnerUNLOST.shtml>

The United States should take the lead in developing new practices on the oceans that will at once facilitate commerce and peacetime deployment of warships but also protect our shores from the terrorist scourge. The President’s Proliferation Security Initiative is an example of such modern and creative thinking. **This US-led multinational program of high seas interdiction and vessel boarding is barred by the Law of the Sea Treaty yet it is our overriding national security interest to execute. Ratification of the Treaty would effectively gut our ability to intercept the vessels of terrorists or hostile foreign governments even if they were transporting nuclear weapons.** We must ensure that we not binding the government of the United States to a legal regime that makes us more vulnerable and trades the lives of our innocent citizens for the sake of participating in yet another unnecessary Treaty.

**Gaffney**, Frank. "Statement of Frank Gaffney, Jr.: Oversight Hearing to examine the "United Nations Convention on the Law of the Sea". (March 24, **2004**) <https://www.epw.senate.gov/public/index.cfm/hearings?Id=F463432C-802A-23AD-42D9-94B940BB129F&Statement_id=37BD1754-793A-4070-8085-63976E27041D>

Yet another “environmental impact” could arise from limitations the treaty imposes on measures we might take to assure our national security and homeland defense. **If, for instance, foreign vessels operating on the high seas do not fit into one of three categories (i.e., they are engaged in piracy, flying no flag or transmitting radio broadcasts), LOST would prohibit U.S. Navy or Coast Guard vessels from intercepting, searching or seizing them**. As you know Mr. Chairman, such constraints would preclude President Bush’s most important recent counterproliferation measure – the Proliferation Security Initiative (PSI). The same would be true, however, **if the crew of the foreign ship was engaged not in the sort of activity the PSI is meant to interrupt (namely, the covert transfer of weapons of mass destruction and/or related equipment), but in the shipment of heavy crude oil or other toxic materials that could cause an environmental disaster were the vessel to be blown up or scuttled in or near our waters.**

**Goldsmith**, Jack. “A Treaty the Senate Should Sink.” **The Washington Post**, WP Company, 2 July **2007**, [www.washingtonpost.com/wp-dyn/content/article/2007/07/01/AR2007070100934.html](http://www.washingtonpost.com/wp-dyn/content/article/2007/07/01/AR2007070100934.html)

Deputy Secretary of State John D. Negroponte and Deputy Defense Secretary Gordon England maintain that the convention will enhance U.S. security. They argued in the Washington Times last month that to meet the "complex array of global and transnational security challenges," the United States must have "unimpeded maritime mobility -- the ability of our forces to respond any time, anywhere, if so required." This is true, but ratifying the convention won't bring this benefit. Instead it would put America's naval counterterrorism efforts under the control of foreign judges. Suppose the United States seizes a vessel it suspects of shipping dual-use items that might be utilized to build weapons of mass destruction or other tools of terrorism. It's not a wild supposition. Under the Proliferation Security Initiative, the United States has since 2003 secured proliferation-related high-seas interdiction agreements with countries such as Belize and Panama, which provide registration for much international shipping. **If the United States ratifies the Convention on the Law of the Sea, the legality of such seizures will, depending on the circumstances, be left to the decision of one of two international tribunals**. The first is the International Tribunal for the Law of the Sea, based in Hamburg. Some members of the Hamburg tribunal come from countries naturally suspicious of American power, such as China and Russia. Others are not allied with the United States. Even judges from Europe and South America do not always see things the way U.S. military authorities do. The second institution is a five-person international arbitration panel. The United States and the flag state of the seized ship would have input into the selection of some of these arbitrators. But the U.N. secretary general or the president of the Hamburg tribunal would select the crucial fifth arbitrator when, as would typically be the case, the state parties cannot agree. They must choose from a list of "experts" to which every state party to the convention -- not just China and Russia but other unfriendly nations such as Cuba and Burma -- can contribute.

### A/2: Cables

1. **Delink. Davenport of the Catholic University Journal reports that under UNCLOS perpetrators can only be prosecuted by their own country. Countries hostile to the United States would not be incentivized to prosecute an offender, UNCLOS won’t solve.**
2. **Delink. There’s no incentive, as Hjemo of Telegeography explains that Russia is far more dependent on international networks that the US so cutting cables would hurt them more.**
3. **No impact. Four warrants.**
	1. **Starosielski of New York University writes that 428 undersea cables are damaged every couple of days, through anchors and earthquakes and there is never any impact because it’s usually rerouted.**
	2. **Matsakis of Wired explains that even if every US cable in the ocean was cut, they would just be rerouted the opposite direction.**
	3. **Matsakis continues that America could still utilize land networks for important connections.**
	4. **Eaton of The Christian Science Monitor reports that cables are usually repaired in a couple of hours.**
4. **If someone is radical enough to attack the cables, a random treaty probably won’t stop them.**

**Davenport**, Tara. "Submarine Cables, Cybersecurity and International Law: An Intersectional Analysis ." **Catholic University Journal of Law and Technology**. Vol. 24, No. 1 (December **2015**): 57-109.

**Second, jurisdiction under Article 113 is limited to perpetrators who are na- tionals of that State, or if they use a vessel flying the flag of that State.221 Given the critical nature of submarine communications cables there is a strong argument that intentional damage is a crime that attracts universal jurisdiction and that all States should have jurisdiction over the offender**. At the very least, the State(s) whose communications have been disrupted should have jurisdiction to prosecute as well as the State on whose continental shelf the damaged cable is located.222 **Third, Article 113 only obliges States to adopt laws criminalizing intentional damage, and neither gives warships the right to board, nor arrest a vessel sus- pected of intentionally breaking a cable.2**23 Generally speaking, due to concerns about unnecessary interference with the freedom of navigation, the right to board vessels in areas outside the territorial sea (i.e. EEZ/high seas) is highly regulated under UNCLOS and is only allowed in certain instances.224 States have opposed a right to board without the consent of the flag states even for the suppression of the most serious crimes.225 However, there is some merit in the argument that warships of all States should have the right to board vessels suspected of intentionally breaking a cable. For example, Article X of the 1884 Cable Convention allows warships to require the master of a vessel suspected of having broken a cable to provide documentation to show the ship’s national- ity and thereafter to make a report to the flag state.226 This provides an effective deterrent to prospective attacks.

**Matsakis**, Louise. “What Would Really Happen If Russia Attacked Undersea Internet Cables.” **Wired**, Conde Nast, 5 Jan. **2018**, [www.wired.com/story/russia-undersea-internet-cables/](http://www.wired.com/story/russia-undersea-internet-cables/)

**“The amount of anxiety about somebody sabotaging a single cable or multiple cables is overblown,” says Nicole Starosielski,** a professor at New York University who spent six years studying internet cables to write the The Undersea Network. “If somebody knew how these systems worked and if they staged an attack in the right way, then they could disrupt the entire system. But the likelihood of that happening is very small. Most of the concerns and fears are not nearly a threat at all.” **For one, ruptures aren’t exactly an anomaly. One of the estimated 428 undersea cables worldwide is damaged every couple of days. Nearly all faults aren’t intentional. They’re caused by underwater earthquakes, rock slides, anchors, and boats. That’s not to say that humans are incapable of purposefully messing with the cables**

**Matsakis**, Louise. “What Would Really Happen If Russia Attacked Undersea Internet Cables.” **Wired**, Conde Nast, 5 Jan. **2018**, [www.wired.com/story/russia-undersea-internet-cables/](http://www.wired.com/story/russia-undersea-internet-cables/)

You don’t notice when a cable faults, especially if you live somewhere like the United States, because your Instagram message or Google Voice call is instantly re-routed. If you’re Skyping with a friend in Romania for instance, and a fishing boat or anchor ruptures a cable—as causes two-thirds of faults—your conversation simply goes over another line. Many regions, like Europe, the United States, and East Asia have numerous cables running over the same path. You can check out a map of them all here. **That means Russia snipping a handful of cables in the Atlantic, where its submarines have been spotted, would disturb the global internet very little. In fact, even if it ruptured every single cable in the Atlantic Ocean, traffic could still be re-routed the other way, across the Pacific. “It wouldn’t work very well or be the highest quality, but it’s not like there wouldn’t be any communication happening**,” says Alan Mauldin, research director at TeleGeography, a market research firm that specializes in telecommunications, including undersea cables.

Because faults happen so frequently, cable repair ships patrol nearly all of the world’s waters. Even if Russia did start snipping, there are crews equipped to rapidly repair them. Besides, Russia’s epic hypothetical cable attack would primarily harm its own people, as another Telegeography analyst pointed out in a video. **“It would hurt the Russians perhaps even more than it would hurt [Americans]. They’re far more dependent on international networks than we are, because so much of our content is stored locally” says senior analyst Jonathan Hjembo.**

**Matsakis**, Louise. “What Would Really Happen If Russia Attacked Undersea Internet Cables.” **Wired**, Conde Nast, 5 Jan. **2018**, [www.wired.com/story/russia-undersea-internet-cables/](http://www.wired.com/story/russia-undersea-internet-cables/)

Even in a hypothetical, Black Mirror-esque world in which Russia somehow chops every cable that connects to the United States from every side, **the internet would not go out like a light. Americans would still be able to utilize land networks that connect the continent; it would just be impossible to communicate overseas. “You can still email people in the US if all submarine cables were gone,”** says Mauldin. “But people in Europe wouldn’t see your silly cat video you posted on your Facebook profile.”

Joshua **Eaton** 2015 **Christian Science Monitor** 15, 11-4-**2015**, "Why the Russian threat to undersea cables is overblown," [https://www.csmonitor.com/World/Passcode/2015/1104/Why-the-Russian-threat-to-undersea-cables-is-overblown MMY](https://www.csmonitor.com/World/Passcode/2015/1104/Why-the-Russian-threat-to-undersea-cables-is-overblown%20MMY)

 "Unfortunately, accidental submarine cable cuts, along with acts of telecom sabotage, occur with varying degrees of regularity," Mr. Madory wrote. "**In either case, service is generally restored in hours**, days or weeks and life carries on."

### A/2: Russian Conflict

1. **Delink. 2 reasons why Russia won’t start conflict.**
	1. **Diplomacy. Mammadov of The Hill reports that the US-Russia summit contained diplomacy and patching up relations.**
	2. **Economy. Garrison of CNBC explains that as Russian stocks fall by 3 percent, it is currently oil dependent.**
2. **Turn. Gardner of The American Security Project writes that UNCLOS gives the legal certainty to drill in the Arctic. Problematically, Dillow of CNBC writes that going into the Arctic means increased military presence and an uptick in military activity.**

**Mammadov**, Rauf. “On the Agenda for US-Russia Talks: Energy.” **TheHill**, The Hill, 29 June **2018**, [thehill.com/opinion/energy-environment/394528-on-the-agenda-for-us-russia-talks-energy](http://thehill.com/opinion/energy-environment/394528-on-the-agenda-for-us-russia-talks-energy)

**U.S. national security adviser John Bolton met with Russian President Vladimir Putin this week before flying to Europe to try to patch up relations with American allies who are perturbed about America’s withdrawal from international agreements**, most notably the Iran nuclear deal. Bolton’s meeting with Putin was to firm up a July 16 **summit between President Donald Trump and the Russian leader.** Energy Secretary Rick Perry, meanwhile, met with his Russian counterpart, Alexander Novak, on the sidelines of the World Gas Conference in Washington. Though Syria and other matters in the Middle East will dominate their agenda, Trump and Putin are likely to discuss oil and gas as well. That’s because Moscow wants Washington to lift U.S. sanctions affecting Russian energy companies and to stop its opposition to construction of the Nord Stream 2 pipeline that will convey Russian gas to Germany and beyond.

**Garrison**, Ashleigh, and Kelly Song. “'Very, Very Strong' Leader Putin's Biggest Long-Term Weakness: It's Oil.” **CNBC**, CNBC, 19 July **2018**, [www.cnbc.com/2018/07/19/checkmate-putin-falling-short-on-master-plan-for-aging-oil-economy.html](http://www.cnbc.com/2018/07/19/checkmate-putin-falling-short-on-master-plan-for-aging-oil-economy.html)

Buoyed by stronger oil prices, Russia's stock market has been one of the world's best performers in the past year, returning near-20 percent, and it has avoided the steep slide in emerging markets in 2018, with a year-to-date return of roughly 3 percent. **But the longer-term toll of oil dependence and geopolitical friction haven't benefited investors who stick with the market long-term: over the past five-year period, Russian stocks are down by 3 percent.** And trading in Russian stocks post-Helsinki shows that investors, at least for now, are not reading the Trump-Putin meeting as a positive. **The Russian market as tracked by ETFs was down more than 3 percent** near end of trading on Thursday, and on track for its first three-day losing streak since June 27. Russia’s recent growth is cyclical, and will fall flat if there is no restructuring of the economic system, said Eurasia Group senior analyst Jason Bush. High oil prices aren’t enough for Russia’s economy to grow steadily; the price also has to be continually rising, Bush said. Oil prices were high in 2013, for example, but growth slowed, an indicator that long-term economic growth won't result from reliance on oil.

**Gardner**, Robert. “US Must Ratify Law of Sea Convention.” **American Security Project**, 13 June **2012**, [www.americansecurityproject.org/us-must-ratify-law-of-sea-convention/](http://www.americansecurityproject.org/us-must-ratify-law-of-sea-convention/)

Secretary of State Clinton attempted to debunk this argument in a recent Senate Foreign Relations Committee hearing. Clinton asserted that companies have expressed their need for “the maximum level of international legal certainty before they will or could make the substantial investments” in expensive and risky Arctic exploration. In addition Clinton stated “our ability to challenge other countries’ behavior should stand on the firmest and most persuasive legal footing available.” Supporting Clinton, the chairman of Lockheed Martin (along with other business leaders) has written to the senate supporting the treaty, saying investment in the region “is only going to be secured for rights clearly recognized and protected within the established treaty-based framework.” **In sum, companies won’t drill in the Arctic until they are backed by the legal framework of UNCLOS. UNCLOS provides the legal certainty companies need; bi-lateral treaties won’t cut it.**

**Dillow**, Clay. “Russia and China Vie to Beat US in the Trillion-Dollar Race to Control the Arctic.” **CNBC**, CNBC, 6 Feb. **2018**, [www.cnbc.com/2018/02/06/russia-and-china-battle-us-in-race-to-control-arctic.html](http://www.cnbc.com/2018/02/06/russia-and-china-battle-us-in-race-to-control-arctic.html)

The growing Russian military presence in the region has stoked old feelings of mistrust, she said, producing antibodies within NATO that are now pushing for **an increased Western military presence in the region as well. "We're not going back by any stretch to a cold war posture, but you're starting to see that muscle memory coming back," she said. "And it's because we're seeing this uptick in military activity."**

#  PRO (A/2 CON)

## Overviews

### Arctic Drilling

1. **Reuters reports that there are up to 213 billion barrels in the South China Sea, double the amount in the Arctic and unlikely to aggravate climate change. However, conflict deters drilling in the area, pushing companies to other unclaimed reserved like the Arctic.**
2. **This is empirically proven. CNBC writes that Asian countries like China are moving to the Arctic now. However, lifting the conflict means that Asian countries turn to the more convenient ways of drilling that don’t trigger climate change. Two implications.**
	1. **Links into the impact of climate change as every reason we lift the conflict is also a way to reduce climate change.**
	2. **Outweighs on magnitude because now many countries move to the Arctic and do more damage than the US ever would; you solve for us first.**

**Fabi**, Randy. “Insight: Conflict Looms in South China Sea Oil Rush.” **Reuters**, Thomson Reuters, 28 Feb. **2012**, www.reuters.com/article/us-china-spratlys-philippines/insight-conflict-looms-in-south-china-sea-oil-rush-idUSTRE81R03420120228.

**Estimates for proven and undiscovered oil reserves in the South China Sea range** from 28 billion to **as high as 213 billion barrels of oil**, the U.S. Energy Information Administration said in a March 2008 report. That would be equivalent to more than 60 years of current Chinese demand, under the most optimistic outlook, and surpass every country’s proven oil reserves except Saudi Arabia and Venezuela, according to the BP Statistical Review.

**Dillow**, Clay. “Russia and China Vie to Beat US in the Trillion-Dollar Race to Control the Arctic.” **CNBC**, CNBC, 6 Feb. **2018**, www.cnbc.com/2018/02/06/russia-and-china-battle-us-in-race-to-control-arctic.html

With more than half of all Arctic coastline along its northern shores, Russia has long sought economic and military dominance in part of the world where as much as $35 trillion worth of untapped oil and natural gas could be lurking. **Now China is pushing its way into the Arctic, announcing last month its ambitions to develop a "Polar Silk Road"** through the region as warming global temperatures open up new sea lanes and economic opportunities at the top of the world

### Multilateral FONOPS

1. **The status quo expansion proves that FONOPS aren’t working. However, UNCLOS gives a platform for more and better FONOPS at sea. Jeffery of the Center of Strategic Studies explains that a multilateral mechanism could coordinate multi-party patrols with the guiding mechanism being the provisions of UNCLOS.**
2. **This outweighs their argument.**
	1. **Strength of Link. Status quo is failing, as Jeffery continues that FONOPS conducted unilaterally could cause the South China Sea to fall into a power struggle. Multilateralism is a lot more likely to work as Jeffery concludes that when more countries are involved, the pressure for Chinese compliance is greater. That links into peace much better.**
	2. **Scope. Jeffery writes these FONOPS could be conducted in all of East Asia. Outweighs any impact in South China Sea because UNCLOS allows for peace in the entire region.**

<http://www.eastasiaforum.org/2017/02/18/beyond-unilateralism-in-south-china-sea-fonops/>

**Moreover, a multilateral mechanism could coordinate multi-party FON patrols, not just in the South China Sea, but in all of East Asia’s maritime commons.** The mechanism should be open to China to avoid any misconception of ‘containment’ or of the US and its allies ‘ganging up’ on Beijing. The US could propose this to the ASEAN Regional Forum or any ASEAN dialogue as a confidence-building measure in the maritime Asia Pacific, with the goal of maintaining open, secure and unimpeded access to East Asia’s maritime commons without prejudice to any sovereignty claims. The first such exercise could begin in the Sea of Japan, then move south to the East China Sea, passing through the Luzon Strait towards the South China Sea, exiting through the Malacca Strait and then to the Indian Ocean or vice versa. **The guiding mechanism should be relevant provisions of UNCLOS — nothing else. China could complain, but if many countries are involved the pressure for compliance will be greater. If FON exercises, including FONOPs, are conducted only unilaterally by the US Navy, the South China Sea issue could easily spiral into a great-power struggle and the importance and essence of the rule of law will be sidestepped.** Since respect for international law in East Asia’s maritime commons is a vital US national interest, Washington should take the lead and engage East Asia. Unilateralism can only do so much.

## Underviews

### Multilateralism Weighing

1. **Both teams impact to stopping conflict. However, the military approach is failing now with tensions at an all-time high and war on the brink. Diplomatic solution will be more successful for 2 reasons.**
	1. **Strength of Link. Schambaugh of the Brookings Institute explains that China cooperates with coercive measures when they are at risk of being isolated.**
	2. **shend evidence which says that UNCLOS multilateralism leaves China in a state of increased isolation because everyone around them is not on their side.**
	3. **Probability of impact. Hansen of The University of Iowa quantifies that multilateralism has a 61% higher chance of working to solve disputes than other methods.**

<file:///Users/nilay/Downloads/Hansen%20of%20The%20University%20of%20Iowa%20.pdf>

**Claimants are more likely to comply with agreements brokered with global IO assistance (89 percent compliance rate),** the agreement is more likely to end the overall issue claim (50 percent claim end), and the challenging state is more likely to make minor or major concessions to the target state (41 percent). Regional organizations also experience success in enhancing compliance rates (86 percent) and producing agreements that end the issue at stake (34 percent). The rate for agreements that end an issue claim is lower for regional organizations than global organizations (34 percent vs. 50 percent), although **both are more successful than** bilateral (20 percent) or **non-IO (28 percent) third-party settlement attempts.** The chi-square tests for independence indicate that these differences are statistically significant for all success measures except reaching agreements.

**Shambaugh**, David. “The Illusion of Chinese Power.” Brookings, Brookings, 28 July **2016**, www.brookings.edu/opinions/the-illusion-of-chinese-power/

Being a global power requires getting in the middle of disputes, bringing parties together, forging coalitions and consensus, and—yes—using pressure when necessary. Beijing prefers to sit on the sidelines and simply call for nations to solve their problems through “peaceful means” and to find “win-win solutions.” Such hollow invocations are hardly conducive to problem solving. **Beijing also has a complete allergy to coercive measures** and only goes along with UN Security Council sanctions **when it is clear that not doing so would leave Beijing isolated and negatively impact China’s international image.** This is not the behavior of a global leader.

### Contextualize Multilateralism

1. **We can’t predict the future of negotiations, our job is to prove:**
	1. **Multilateralism will be there.**
	2. **We’ll see success.**
2. **Three ways multilateralism plays out. China relies on regional influence to be powerful. Taking this away to enforce law is our advocacy.**
	1. **French says we provide a coordinated buildup to bring China to the table.**
	2. **Townshend says multilateralism increases China’s international isolation through attacking its political and economic interests.**
	3. **Vu of The National Interest writes that the response would be proportionate to how China acts, which limits the risk of the escalatory response and causing China to suffer based on its actions.**

<https://amti.csis.org/flexible-response-deter-south-china-sea/>

**The response should also be proportionate, in that its intensity should roughly match that of the Chinese act. This limits the risk of escalatory response while allowing the costs that China would have to suffer to vary according to its own actions.**

## A/2: Sovereignty

### A/2: Royalties

1. **There are 4 reasons as to why the US won’t send foreign aid under UNCLOS.**
	1. **In Kind Donations. Instead of paying new money, the US would just repurpose its already existing aid to in kind donations, which is legal under UNCLOS.**
	2. **Veto power. Bower of The CSIS writes that the countries are guaranteed a permanent veto on how funds are distributed. Conathan of Think Progress writes that voting is unanimous, meaning anyone suspicious can block a proposal.**
	3. **Article 82. Harrison for Oxford Academic writes that Article 82 has not been triggered, even after Canada found petroleum more than 200 miles off. There’s no uniqueness to the US.**
	4. **Status Quo. The US has pledged to decrease aid by a third. At that point, the US won’t execute actions that directly contrast our current isolationist policy.**

**Bower**, Ernest. 5-25-**2012**, "Advancing the National Interests of the United States: Ratification of the Law of the Sea," <https://www.csis.org/analysis/advancing-national-interests-united-states-ratification-law-sea>

Regarding the third concern, the taxation on resource extraction in exclusive economic zones amounts to just over 2 percent on average, a price that mining and hydrocarbon companies have signaled they are willing to pay as the world’s energy markets hunger for new resources and prices of commodities climb. **As for revenue redistribution, opponents too often overlook the fact that following renegotiation of the Law of the Sea, the United States is guaranteed the only permanent veto on how funds are distributed. It is also exempt from any future amendments to the treaty without Senate approval**. In other words, the United States would enjoy a position of unequaled privilege, not unfair treatment, within UNCLOS.

**Groves**, Steven. "The Law of the Sea: Costs of U.S. Accession to UNCLOS ." Testimony before the United States Senate Committee on Foreign Relations, June 14, **2012**

One area where the U.S. can expect to experience significant costs—with no appreciable benefit—is in its compliance with Article 82 of the Convention: “Payments and contributions with respect to the exploitation of the continental shelf beyond 200 nautical miles.” If the U.S. accedes to UNCLOS, it will be required pursuant to Article 82 to transfer royalties generated on the U.S. continental shelf beyond 200 nautical miles (nm)—an area known as the “extended continental shelf” (ECS)—to the International Seabed Authority. These royalties will likely total tens or even hundreds of billions of dollars over time. Instead of benefiting the American people, **the royalties will be distributed by the Authority to developing and landlocked nations, including some that are corrupt, undemocratic, or even state sponsors of terrorism such as Cuba and Sudan.**

Michael **Conathan**. "Conservatives Disregard Traditional Allies to Oppose the Law of the Sea ." **Think Progress**. (June 13, **2012**)

Final decisions would be made by the ISA’s general assembly. **But the assembly would only be voting on policies the council recommended unanimously, meaning we could block any proposal from even getting to a vote at the general assembly. This de facto veto power means the United States would always be able to prevent royalties from being distributed to countries we have designated as state sponsors of terrorism.**

<https://academic.oup.com/jwelb/article-abstract/10/6/488/4060652>

**To date, Article 82 has not been triggered.** **Recent petroleum discoveries beyond 200 nautical miles off Canada's east coast**, however, have the potential for commercial development and may well be the first in the world to trigger Article 82. If so, Canada's approach to the implementation of Article 82 could be precedent-setting, with significant implications for the international offshore industry and for potential recipients of required payments.

### A/2: Funding Rogue States

1. **There are a lot more developing, peaceful nations than landlocked, corrupt regimes in UNCLOS. There’s almost no probability here.**
2. **Recognize that the money is distributed to a bunch of countries over many years, it’s not significant. Mitigate the impact.**
3. **The World Bank writes that only 0.1 percent of lending involve corruption.**
4. **Turn. More foreign aid is good for 4 reasons.**
	1. **Economic Growth. Dagne writes that a one percent increase in aid increases GDP growth by 1.19 percent.**
	2. **Disease control. Sachs of Foreign Policy notes that after UN funneled more money into African aid, malaria deaths dropped 51 percent.**
	3. **Jobs. Penn University explains that foreign aid finances American companies and thus creates new blue collar jobs.**
	4. **Rights. American University quantifies for every 100 dollars of aid per capita, there is a 5 percent decrease in inequality.**

“How Much Aid Is Really Lost to Corruption?” **Center For Global Development**, 23 Jan. **2017**, [www.cgdev.org/blog/how-much-aid-really-lost-corruption](http://www.cgdev.org/blog/how-much-aid-really-lost-corruption)

The World Bank’s Sanctions Evaluation and Suspension Office keeps track of cases where World Bank investigations have uncovered evidence of fraud and corruption. An analysis of cases between 2007 and 2012 found sanctionable fraud or corruption in 157 contracts worth $245 million, of which less than a third of contracts showed evidence of sanctionable corruption. **The World Bank’s lending volume is about $40 billion a year, so this suggests less than a third of contracts collectively worth about 0.1 percent of volumes over the period involved** discovered and sanctionable **corruption.**

**Dagne**, 2014, [Impact of Development and Humanitarian Aid on Economic Growth of Developing Countries , [https://books.google.com/books?id=BWZbswEACAAJ&amp;dq=inauthor:%22S.D.+Dagne%22&amp;hl=en&amp;sa=X&amp;ved=0ahUKEwiunMmDtpXcA hVBxVkKHfFBCdcQ6AEIKTAA](Dagne%2C%202014%2C%20%5BImpact%20of%20Development%20and%20Humanitarian%20Aid%20on%20Economic%20Growth%20of%20Developing%20Countries%20%2C%20%20https%3A/books.google.com/books?id=BWZbswEACAAJ&amp;dq=inauthor:%22S.D.+Dagne%22&amp;hl=en&amp;sa=X&amp;ved=0ahUKEwiunMmDtpXcA%20%20hVBxVkKHfFBCdcQ6AEIKTAA%5d)]

**Under the panel OLS estimation method we find that a one percent increase in development aid increases GDP per capita growth by 1.19 percentage-points** where as it reduces GDP per capita growth by 6.8 percentage-points under 2SLS estimations. However, in the long run (cross sectional regression), we find this type of aid reduces GDP per capita growth by 0.53 percentage-points under OLS and by 1.13 percent under 2SLS estimation methods.

**Sachs**, Jeffrey. “The Case for Aid.” Foreign Policy, **Foreign Policy**, 21 Jan. **2014**, [foreignpolicy.com/2014/01/21/the-case-for-aid/](http://foreignpolicy.com/2014/01/21/the-case-for-aid/)

Next, WHO swung its powerful weight behind the mass free distributions of bed nets throughout sub-Saharan **Africa. Soon after, U.N. Secretary-General Ban Ki-moon established the mass free distribution of bed nets as policy for all U.N. agencies, and called on the world’s governments and NGOs to support the scale-up effort. Ban’s leadership tipped the global scales decisively. Close to 300 million bed nets were freely distributed from 2008-2010, with the Global Fund to Fight AID**S, Tuberculosis and Malaria and the U.S. President’s Malaria Initiative program paying for a substantial share of the scale-up. The evidence is overwhelming that malaria declined precipitously as a result of these bold measures. **WHO’s latest report finds a stunning 51 percent drop in malaria deaths of African children under the age of five between the years 2000 and 2012.** These results are historic. Roughly a half-million children, if not more, are being saved each year that otherwise would have succumbed to malaria. Even more success is possible, but only if development aid continues to back the effective control of malaria. The Global Fund is struggling to fill its request for $5 billion per year of funding, essential to supplement the health budgets of poor countries. Prof. Easterly’s continued denunciations of aid, and his declarations that large-scale aid has failed, are injurious to the public support needed for the replenishment.

“Foreign Aid: Good for America, Good for the World.” **Penn Wharton** Public Policy Initative, 9 Jan. **2017**, [publicpolicy.wharton.upenn.edu/live/news/1969-foreign-aid-good-for-america-good-for-the-world/for-students/blog/news.php](http://publicpolicy.wharton.upenn.edu/live/news/1969-foreign-aid-good-for-america-good-for-the-world/for-students/blog/news.php)

A great example of this mutual benefit is former President Obama’s Power Africa plan. Forbes Magazine summarizes the program as private investments combined with “$7 billion in taxpayer money to help bring 10,000 mW of electricity to sub-Saharan Africa” [2]. One can easily imagine someone criticizing a program like this on the basis that the money could be better spent boosting the American economy and promoting American jobs. However, as Obama noted, the United States also benefits greatly from the deal—a win-win situation. As Forbes describes, the plan includes funding for natural gas power plants. This holds great promise for American workers and companies, as the United States has recently, with the development hydraulic fracturing, become a global leader in natural gas production and is set to be a net exporter of natural gas this year [3]. **This is especially beneficial considering concern related to the declining availability of blue-collar jobs in the United States. Moreover, of the $7 billion, “General Electric will be perhaps the biggest beneficiary…” [4]. In other words, by providing direct benefits to African countries, we, directly and indirectly, help finance American companies and American jobs.**

<https://www.american.edu/spa/publicpurpose/upload/2014-public-purpose-foreign-aid-abdul-hadi-grode_updated.pdf>

**This result suggests that an increase of $100 ODA per capita would lead to a 5 percentage point decrease in inequality.** The fact that the results are different emphasize the importance of using the fixed effects approach, as it indicates that there is some unobserved heterogeneity that is not captured by the specified variables but can be eliminated by allowing country level variation.

### A/2: PSI

1. **Delink. Uruguay** [**and**](http://www.armscontrol.org/taxonomy/term/21?page=5) **Vietnam are active participants in both PSI and UNCLOS. Newman of The Nonproliferation Review reasons that opposition to the PSI is not as widespread nor deep rooted as may have been anticipated.**
2. **The Arms Control Association finds that countries such as China and Russia have not joined despite US pressure. Problematically, they furthers that due to their ties to Iran and North Korea, China and Russia could determine the initiative’s effectiveness.**
3. **Turn. Song concludes that UNCLOS could help increase US credibility and leadership in dealing with the threat to international peace and security posed by WMDs.**

“Proliferation Security Initiative (PSI) | **Arms Control Association**.” Nonproliferation Benefits of India Deal Remain Elusive | Arms Control Association, 1 Nov. **2003**, [www.armscontrol.org/taxonomy/term/21?page=5](http://www.armscontrol.org/taxonomy/term/21?page=5)

**China and Russia are not counted among the 50-some countries endorsing the initiative, although both have been consulted about it.** Moscow and Beijing question the legality and implications of the U.S.-led effort. **Due to their ties to Iran and North Korea**—two of the initiative’s targets, in the eyes of the United States—and their own proliferation records, **China and Russia could ultimately determine the initiative’s effectiveness.** One diplomat said constructive Chinese behavior is essential to constraining North Korea’s weapons trade. Absent Chinese support, North Korea could bypass an initiative dragnet by importing or exporting WMD or related goods via Chinese territory or airspace.

<https://en.wikipedia.org/wiki/List_of_parties_to_the_United_Nations_Convention_on_the_Law_of_the_Sea>, <https://www.psi.org/work-impact/countries//>.

**Newman**, Andrew. “THE PROLIFERATION SECURITY INITIATIVE” The Asia-Pacific Context. August 8th **2006**. <https://www.tandfonline.com/doi/abs/10.1080/10736700500378935?src=recsys&journalCode=rnpr20>

The Asia-Pacific is emerging as a critical region in the fight against the proliferation of weapons of mass destruction. The Proliferation Security Initiative (PSI) is an aggressive global strategy designed to interdict the transport of these weapons and associated technologies. However, some observers have suggested that the Asia-Pacific has given the PSI a less than enthusiastic reception [However]. The authors posit a more sanguine view. They caution against taking such a holistic approach to the region. Asia does not speak with one voice when it comes to security, and **opposition to the PSI is not as widespread nor deep-rooted as may have been anticipated.** In addition, the PSI's informal structure encourages flexibility, enabling states to participate in certain activitieswhile eschewing others that may be technically or politically untenable.

**Song**, Yann-Huei. “The U.S.-Led Proliferation Security Initiative and UNCLOS: Legality, Implementation, and an Assessment” **Study on Ocean Development and International Law**. January 10 th 2006.

The author concludes that U.S. accession to the Convention would not affect adversely the implementation and effectiveness of the PSI. **On the contrary, accession to UNCLOS could [rather] help increase U.S. credibility and leadership in dealing with the threat to international peace and security posed by weapons of mass destruction proliferation**. It also suggests that all the relevant information needs to be gathered and examined carefully in order to answer the question of whether a PSI interdiction action is legal under UNCLOS or not.

### A/2: Piracy

1. **Turn. The US is failing now. Richardson of The Fair Observer reports that pirate activities have increase by 5 times in the past year.**
2. **3 reasons why UNCLOS improves anti-piracy efforts.**
	1. **Rogers at The Center For American Security writes that ratification allows America to shape the legal authorities in the international community to combat piracy by adding technology.**
	2. **Bogerson of The Council on Foreign Relations explains that UNCLOS permits any state to arrest pirates and builds an international naval force.**
	3. **Harris of The Diplomat writes that UNCLOS allows the US to better coordinate anti-piracy efforts alongside the international community.**

Eliza **Richardson**, 7-10-**2017**, "Threat of Piracy Heightened Off Somalia and Yemen," **Fair Observer**, <https://www.fairobserver.com/region/africa/piracy-risk-somalia-yemen-latest-world-news-headlines-54540/>

**Reports of pirate activity in the High Risk Area (HRA) region have increased by more than five times over the past 12 months, totaling 65 incidents, compared to the same period in 2015-2016.** Reports of attempted hijackings sharply increased in the weeks after the hijacking of the Aris 13 bunkering tanker in March, and the rate of attempted attacks and suspicious activity has since remained elevated. Most piracy incidents have occurred in the Gulf of Aden and the Bab el Mandeb strait where vessels are most concentrated. However, incidents have been reported hundreds of nautical miles off the Somali coast. Although a commercial vessel has not been successfully hijacked since April, the situation remains volatile.

**Rogers**, Will. Security at Sea: The Case for Ratifying the Law of the Sea Convention . **Center for a New American Security**: Washington, D.C., April 25, **2012**. <https://s3.amazonaws.com/files.cnas.org/documents/CNAS_SecurityAtSea_Rogers_0.pdf?mtime=20160906081931>

**Ratifying LOSC will also enhance U.S. counter-piracy efforts by improving America’s ability to shape the legal authorities the international community relies on to combat piracy, especially in instances where existing agreements do not account for advancements in technology.** The United States, for example, relies increasingly on remote sensing systems and a fleet of low- and high-altitude remotely piloted vehicles to provide persistent surveillance where the United States lacks a sustained maritime presence. These technologies may help U.S. maritime officials track piracy activities and facilitate a faster response. However, as one analyst notes, use of these technologies may not be clearly protected within existing international maritime treaties, including LOSC: “[R]emote sensing from satellites and high-flying surveillance aircraft have for decades undertaken maritime scientific research and surveys in others[’] EEZs without the permission – or even the advance knowledge – required by the 1982 UNCLOS.”16 As the United States continues to field remotely piloted or semi-autonomous vehicles and sensors – including maritime ones – it will need to be prepared to challenge efforts to constrain or prohibit their use.

**Borgerson**, Scott G. The National Interest and the Law of the Sea . **Council on Foreign Relations**: Washington, D.C., May **2009** (82p).

The convention provides two essential and immediate components for responding to piracy off the coast of Somalia. **First, the convention permits any state to arrest pirates, seize pirate vessels, and prosecute pirates in the courts of the interdicting naval authority**. Second, and equally important, the convention protects the sovereign rights of ocean-going states that participate in antipiracy naval operations in the territorial seas of failed states such as Somalia. **This is critical for build- ing international naval flotillas for combating the growing pirate problem in the Indian Ocean**.

**Harris**, Gail. “U.S. Must Remove UNCLOS Handcuffs.” **The Diplomat**, The Diplomat, 23 Mar. **2012**, [thediplomat.com/2012/03/u-s-must-remove-unclos-handcuffs/](http://thediplomat.com/2012/03/u-s-must-remove-unclos-handcuffs/)

And ratifying the treaty saves the United States boatloads of cash. Approving it would allow us to reduce our military expenditures yet maintain naval strength at a time when our nation’s debt keeps climbing. One example is over piracy. The total economic costs of Somali piracy in 2011 were approximately $7 billion by some estimates. **Signing the treaty would allow the U.S. to better coordinate anti-piracy and anti-terrorism efforts alongside the international community. Instead of policing the world’s waters by ourselves, we could share the burden.**

### A/2: Judges

1. **There is no article in UNCLOS that specifies that that the US has to listen to the tribunals rulings.**
2. **No impact. Two reasons.**
	1. **The president of ITLOS is South Korean. This is key, as the Department of State reports that America and Korea have been allies for 60 years and their ties have never been stronger because of the military protection the US provides, which means the vote will always sway for the US.**
	2. **The only countries who would stop the US on ITLOS are Russia and China, they can’t sway the vote of 21 judges.**

<https://www.itlos.org/the-tribunal/members/>

“South Korea.” **U.S. Department of State**, U.S. Department of State, 25 Jan. **2017**, [www.state.gov/r/pa/ei/bgn/2800.htm](http://www.state.gov/r/pa/ei/bgn/2800.htm).

On June 25, 1950, North Korean forces invaded the R.O.K.. Led by the United States, a United Nations coalition of 16 countries undertook its defense. Following China's entry into the war on behalf of North Korea later that year, a stalemate ensued for the final two years of the conflict until an armistice was concluded on July 27, 1953. A peace treaty has never been signed. **In 1953, at the conclusion of the Korean War, the United States and the Republic of Korea signed a Mutual Defense Treaty, the foundation of a comprehensive alliance that endures today.** In the decades after the war, the R.O.K. experienced political turmoil under autocratic leadership, but developed a vocal civil society that led to strong protests against authoritarian rule. Pro-democracy activities intensified in the 1980s and the R.O.K. began the transition to what is now a vibrant, democratic system. U.S.-R.O.K. ties are based on common values of democracy, human rights, and the rule of law. **The United States and the R.O.K. share a long history of friendship and cooperation based on shared values and interests. The two countries work together to combat regional and global threats and to strengthen their economies. The United States has maintained Army, Air Force, Navy, and Marine personnel in the R.O.K. in support of its commitment under the U.S.-R.O.K. Mutual Defense Treaty to help the R.O.K. defend itself against external aggression. In 2013, the two countries celebrated the 60th anniversary of the U.S.-R.O.K. alliance.** A Combined Forces Command coordinates operations between U.S. units and R.O.K. armed forces. The United States and the R.O.K. coordinate closely on the North Korean nuclear issue and the denuclearization of the Korean Peninsula. As the R.O.K.’s economy has developed (it joined the OECD in 1996), trade and investment ties have become an increasingly important aspect of the U.S.-R.O.K. relationship. In recent years, the U.S.-R.O.K. alliance has expanded into a deep, comprehensive global partnership, and the R.O.K.’s role as a regional and global leader continues to grow. The R.O.K. hosted the 2010 G-20 Summit, the 2011 Fourth High-Level Forum on Aid Effectiveness, the 2012 Nuclear Security Summit, the 2013 Seoul Conference on Cyberspace, and the 2014 International Telecommunication Union Plenipotentiary Conference. In 2017, the R.O.K. will assume the chairmanship of the Global Health Security Agenda Steering Group. The R.O.K. is a committed member of various international nonproliferation regimes, including the Proliferation Security Initiative (PSI) and the Global Initiative to Combat Nuclear Terrorism (GICNT). The R.O.K. has pledged more than half a billion dollars towards development efforts including $100 million to the Global Health Security Agenda, $200 million to its Better Life for Girls initiative, and $100 million in additional humanitarian assistance over the next three above its annual $44 million contribution. **People-to-people ties between the United States and the R.O.K. have never been stronger.** The R.O.K., on a per capita basis, sends the highest number of students to the United States to study of any industrialized country. Educational exchanges include a vibrant Fulbright exchange program as well as the Work, English Study, and Travel (WEST) program that gives a diverse group of Korean students the opportunity to learn more about the United States.

### A/2: Sanctions

1. **The word sanctions is not mentioned once in UNCLOS; UNCLOS is a maritime treaty that has nothing to do with sanctions. The argument is simply untrue.**
2. **Trump administration has overused sanctions to the point where they only create tension. Losing them is more of a good thing than a bad one.**
3. **Turn. McLoughlin of Penn State explains that the alternative to sanctions is having a multilateral dialogue facilitated by UNCLOS. 2 warrants why this is better.**
	1. **Haass of The Brookings Institute writes that multilateral support is a prerequisite to effective sanctions.**
	2. **Haass furthers that multilateral support avoids jeopardizing other bilateral relationships and causes less collateral damage to innocents.**
4. **Turn. Two warrants why sanctions worsen future cooperation.**
	1. **Lennie of Al Jazeera writes that the more America pushes sanctions, the more it increases Anti-Americanism. This one, deters cooperation in the future, and two, fuels terrorism as Pape of The University of Chicago writes that 95 percent of all terrorism occurs because of Anti-American sentiment.**
	2. **The Brookings Institute explains that international compliance of sanctions tends to diminish as people just work around them. This is happening now, for example, Cuba.**

<https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1452&amp=&context=elq&amp=&sei-redir=1&referer=https%253A%252F%252Fwww.google.com%252Furl%253Fq%253Dhttps%253A%252F%252Fscholarship.law.berkeley.edu%252Fcgi%252Fviewcontent.cgi%253Farticle%25253D1452%252526context%25253Delq%2526sa%253DD%2526ust%253D1538980360740000%2526usg%253DAFQjCNFk-xOVlTbTIFezF7pmGez0t4twVw#search=%22https%3A%2F%2Fscholarship.law.berkeley.edu%2Fcgi%2Fviewcontent.cgi%3Farticle%3D1452%26context%3Delq%22>

If the United States becomes a party to UNCLOS, there is no reason to assume that it will be prevented from achieving any of its international environmental policy goals. On the contrary**, it can still meet its goals as long as it is willing to forgo the quick and easy solutions sometimes provided by unilateral trade sanctions and to engage instead in the** more tedious **process of negotiating international agreements.**

**Haass**, Richard N. “Economic Sanctions: Too Much of a Bad Thing.” **Brookings**, Brookings, 28 July **2016**, www.brookings.edu/research/economic-sanctions-too-much-of-a-bad-thing/

**Multilateral support for economic sanctions should normally constitute a prerequisite for their use by the United States.** Such support need not be simultaneous, but it should be all but certain and likely to follow with little delay. Unilateral sanctions should be avoided except in those circumstances in which the United States is in a unique situation to derive leverage based on the economic relationship with the target. This is not so much a normative assertion as a pragmatic one, based on the overwhelming evidence that unilateral sanctions achieve little.

Economic sanctions should focus on those responsible for the offending behavior or on penalizing countries in the realm that stimulated sanctions in the first place. **A focused response helps avoid jeopardizing other interests and the entire bilateral relationship with the target over one area of disagreement; causes less collateral damage to innocents**; and makes it less difficult to garner multinational support. Sanctions designed to stem the proliferation of weapons of mass destruction are a prime example.

**Lennie**, Soraya. “Iran Sanctions Stoke Anti-US Sentiment.” GCC News | **Al Jazeera**, Al Jazeera, 13 Nov. **2012**, www.aljazeera.com/blogs/middleeast/2012/11/46238.html

**"The more they push, the more it will lead to a rise in anti-Americanism**." During the presidential debate, Romney mostly agreed with Obama's policies on Iran. "It's absolutely the right thing to do to have crippling sanctions. I'd have put them in place earlier, but it's good that we have them ... something I would add today is I would tighten those sanctions," Romney said.

**Sanctions fatigue tends to settle in over time and international compliance tends to diminish.** Inevitably, the issue that led to sanctions being introduced loses its emotional impact. Concerns over the humanitarian impact of sanctions also weaken resolve. At the same time, the target country has time to adjust. **Working around sanctions, import substitution, and any improvement of living standards due to adaptation all make sanctions bearable. All of these factors have eroded the impact of sanctions against Iraq, Libya, and Cuba.**

### A/2: ASEAN

1. **China has historically ignored ASEAN, which is why they’ve been negotiating since 2002.**
2. **Turn. De Castro of The Philippine Star explains that if ASEAN accepts China, it will allow Beijing to veto any Asian state’s plans to conduct exercise with countries like US, Australia, and Japan making China the dominant navy. If we both agree US presence is a good thing, voting for them on ASEAN gets rid of it.**
3. **Turn. DW News explains that because of differences and mistrust between different members, ASEAN has not reached a consensus ever. This is key, because ASEAN decisions have to be unanimous. US negotiations is a pick and choose process; always preferable.**
4. **Kuok of The Brookings institute writes that a successful implementation of UNCLOS would bring certainty to the table of ASEAN by clearly identifying land claims. UNCLOS is the prerequisite to a binding and successful ASEAN.**

**Castro**, Renato Cruz De. “Commentary: Falling for China's Trick in the COC Framework Negotiations.” Philstar.com, **The Philippine Star**, 17 Aug. **2018**, [www.philstar.com/other-sections/news-feature/2018/08/17/1843428/commentary-falling-chinas-trick-coc-framework-negotiations](http://www.philstar.com/other-sections/news-feature/2018/08/17/1843428/commentary-falling-chinas-trick-coc-framework-negotiations)

Experts and analysts agree that **if ASEAN accepts China’s second proposal as part of the COC, this will effectively allow Beijing to veto any Southeast Asian state’s plans to conduct joint naval exercises with the US, Australian and Japanese navies. This will effectively make the People’s Liberation Navy the dominant navy operating in Southeast Asian waters**. A prominent Singaporean strategic analysis of the International Institute for Strategic Studies, Dr. William Choong, rightly discerned that China is using the negotiation for the COC framework as “a gambit to corral (the ASEAN member states) into a China-ASEAN modality and not have any external parties involved in any of these exercises.”

Deutsche Welle. “The ASEAN Way: Where Is It Leading? | **DW** | 07.08.2017.” DW.COM, 7 Aug. **2017**, [www.dw.com/en/the-asean-way-where-is-it-leading/a-39998187](http://www.dw.com/en/the-asean-way-where-is-it-leading/a-39998187)

**Keeping ASEAN together despite these deep cultural, economic and political differences - along with mistrust between different members - has always been an immense challenge.** The framework for cooperation is based on non-intervention and consensus. **All ASEAN decisions must be unanimous.** The alliance also is not permitted to intervene in members' matters of national interest. This special political style is proudly known as the "ASEAN way." It is characterized by an informal and personal approach that aims at conflict prevention and is often not carried out in public. It is also important not to embarrass members or to drive them into a corner.

<https://www.forbes.com/sites/timdaiss/2016/06/15/afraid-of-china-southeast-asia-refuses-to-stand-up-to-beijing/#66980d81313a>

Of the ten member block, only Vietnam, the Philippines, Brunei and Malaysia have overlapping claims with China. Those member states without over lapping claims likely believe that forming a consensus against China is not worth disturbing their growing ties and economic trade with Beijing. **ASEAN's failure to reach a consensus is not surprising**, while Beijing's South China Sea activities, if ever checked, will be done so by the U.S. and other individual nations, namely Japan, Australia, India, Vietnam and the Philippines.

<https://www.brookings.edu/wp-content/uploads/2016/06/overcoming-impasse-south-china-sea-kuok.pdf>

UNCLOS, however, provides that a state could be entitled to an EEZ of less than 200 nm in a situation of overlapping EEZs.52 **A successful implementation of the proposal would bring certainty to the table and ASEAN claimants would benefit from being able to develop areas clearly identified as beyond contestation**. It will not mean that ASEAN claimants’ rightful claims are confined to these areas. Rather, this would be the bare minimum of their entitlement.

## A/2: China

### A/2: FONOPS

1. **Logically, Chinese expansion makes it harder to do operations. Diplomacy that stops expansion will allow us to conduct more operations in the long term.**
2. **Turn. Bo of The National Interest explains that China does not have a policy of expansionism. He finds the reason they have acted aggressively is because they are responding to increasingly provocative FONOPS from America. 2 implications.**
	1. **Stopping FONOPS guarantees no more expansion.**
	2. **No more Chinese arms buildup because they feel no threat.**
3. **Turn. Dutton of The Center of Strategic Studies explains that UNCLOS codifies FONOPS. This means they become accepted under UNCLOS and more effective.**
4. **Luc of The Diplomat writes this September that Britan and Japan have started FONOPS in the South China sea for the first time. Two implications.**
	1. **We don’t need to do FONOPS because large militaries are already containing China**
	2. **We can be in UNCLOS and still conduct operations.**
5. **No impact. 3 reasons.**
	1. **The Belfer Center reports that the United States has conducted five FONOPS in the South China Sea. Doesn’t make logical sense that 5 operations deter a country.**
	2. **FONOPS are literally symbolic drills of ships going in zig zag lines. There is literally no reason why they matter.**
	3. **Kardon of The Naval War College writes that there are 700 American ships in the South China Sea which stand ready to intervene, gather intelligence, and deter conflict. Literally FONOPS do not matter at all.**

**Bo**, Hu. “No One Lost the South China Sea (And No One Will Win).” The National Interest, The Center for **the National Interest**, 21 Aug. **2018**, nationalinterest.org/feature/no-one-lost-south-china-sea-and-no-one-will-win-29337

**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** mainlwy **responding to the United States’ increasingly provocative moves such as more** frequent and intense **FONOPs, close reconnaissance and wargame exercises.** 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.

**Luc**, Tuan Anh. “Are France and the UK Here to Stay in the South China Sea?” **The Diplomat**, The Diplomat, 17 Sept. **2018**, thediplomat.com/2018/09/are-france-and-the-uk-here-to-stay-in-the-south-china-sea/

**Operations by Japanese and British warships to assert freedom of navigation rights in the South China Sea** have been criticized by Beijing as destabilizing and provocative. On **September** 13, **three Japanese surface warships and a submarine took part in a training exercise in an undisclosed area of the South China Sea. It was the first time that a Japanese submarine had conducted such activities in the disputed waters.** In response, China’s foreign ministry called on non-claimant countries to “refrain from doing anything that will undermine peace and stability” in the area. China’s jurisdictional claims within its expansive nine-dash line – including the right to regulate the passage of foreign military vessels – are not consistent with the United Nations Law of the Sea (UNCLOS) and are therefore not recognized by the international community. **Earlier in September, it was reported that the British amphibious assault ship HMS Albion had entered the territorial waters** of the disputed Paracel Islands on August 31. In 1996, China drew archipelagic straight baselines around the Paracels which many countries regard as excessive and incompatible with UNCLOS. The aim of the Albion’s mission appears to have been to challenge those excessive territorial sea claims. However, Beijing angrily accused the British warship of violating Chinese and international law, and infringing the country’s sovereignty. The Japanese and British naval actions will be welcomed by the US which has called on other countries to increase their naval presence in the South China Sea to defend freedom of navigation. Under President Trump, the US Navy has conducted seven “freedom of navigation operations” (FONOPS) in the Paracels and Spratlys.

<https://www.belfercenter.org/publication/freedom-navigation-south-china-sea-practical-guide>

Over the past year and a half, **the United States has** publicly **conducted five freedom of navigation operations in the South China Sea.** These operations took place on: October 27, 2015; January 29, 2016; May 10, 2016; October 21, 2016; and May 24, 2017.

https://www.lawfareblog.com/forget-fonops-%E2%80%94-just-fly-sail-and-operate-wherever-international-law-allows

. A **FONOP** is a specialized tool to protect discrete legal norms that underpin the order of the oceans. **This order is largely codified in the United Nations Convention on the Law of the Sea (UNCLOS) and is also widely accepted as customary international law.** American FONOPs therefore do not just protect American freedoms—they protect the right of all states to benefit from the open oceans regime.

The Commander of the United States’ Pacific Fleet has repeatedly stated in his public addresses that vessels under his command spend an “**average [of] 700 ship days a year … in the South China Sea.”** That is, at any time on any given day of the year, one or two U.S. Navy ships are in the South China Sea. **These ships undertake the full panoply of routine naval operations—exercising with other navies, maintaining a reassuring presence, gathering intelligence, protecting sea lines of communication, deterring conflict, and standing ready to intervene in times of crisis, among many others.** Routine operations can send the full spectrum of political signals to allies, partners, and friends—and to potential foes—in support of the policies of the elected leaders of the U.S. government. They can even have the incidental effect of challenging an excessive claim. The key is that such operations make routine use of the full spectrum of existing freedoms.

### A/2: Undermining Navy

1. **No impact for 3 reasons.**
	1. **Laws. Kraska of The Naval Law Review explains that the US already follows the rules of UNCLOS, meaning our navy actions wouldn’t change under UNCLOS.**
	2. **Seat at the table. Hudzik of Washington University Law writes that ratifying UNCLOS would give the US a say on the International Seabed Authority to vote against amendments not in the interest of our navy, which is why she concludes UNCLOS would be the greatest expansion of US jurisdiction in history.**
	3. **Cooperation. Houck of Penn State writes that UNCLOS gives the US to have more successful coordinated coalitions with other nations at sea because it gains a leadership role.**
2. **This why Patrick of The Atlantic reports that every sector of the US military, including the Navy, wants to join UNCLOS.**

**Gallo**, William. “Why Hasn't the US Signed the Law of the Sea Treaty?” **VOA**, VOA, 6 June **2016**, [www.voanews.com/a/united-states-sign-law-sea-treaty/3364342.html](http://www.voanews.com/a/united-states-sign-law-sea-treaty/3364342.html)

**"In fact, the irony is that the United States already scrupulously follows the rules in the convention," said James Kraska, an international law expert at the U.S. Naval War College.** But Kraska says the U.S. has more to gain by formally joining UNCLOS, including a more stable legal framework for accessing resources on the extended continental shelf of the U.S. He also says joining the treaty would give the U.S. more credibility on the world stage. "I'm not willing to say it's going to make all the difference, because China is not going to suddenly change their mind, just because we join the convention," he said. "But I think it helps."

**Hudzik**, Elizabeth M. "A Treaty on Thin Ice: Debunking the Arguments against U.S. Ratification of the Law of the Sea in a time of Global Climate Crisis ." **Washington University Global Studies Law Review**. Vol. 9, No. 2 (**2010**)

Many of these arguments have been put into perspective, however, by the actual history and operation of UNCLOS. Instead of posing a threat to national sovereignty**, U.S. ratification of UNCLOS would actually enlarge U.S. power by providing a permanent seat on the ISA,58 and would be ―the greatest expansion of U.S. resource jurisdiction in the history of the nation.**59 A permanent seat on the ISA would give the United States a strategic advantage, namely a ―**greater ability to defeat amendments that are not in the U.S. interest**, by blocking consensus or voting against such amendments.60 Concerns about abuse of power by the ISA are similarly unfounded, as the ISA operates independently from the U.N.61 and is comparable to other specialized U.N. organizations, many of which the U.S. already endorses. Further, the navigational protections for American ships on the high seas would enhance, not diminish, U.S. sovereignty.62 Some UNCLOS proponents also argue that claims to U.S. sovereignty are overstated in the context of a shared resource like the world‘s oceans.63Finally, due to the inevitability of international reliance on UNCLOS to form international maritime law and regulate maritime disputes, the United States will suffer a huge loss of power if it fails to accede to the treaty.64

**Houck**, James W. "Alone on a Wide Wide Sea: A National Security Rationale for Joining the Law of the Sea Convention ." **Penn State Journal of Law & International Affairs**. Vol. 1, No. 1 (April **2012**): 1-22

As an UNCLOS party, **the U.S. would assume a natural leadership role, facilitating coalitions and eliciting support from nations inclined to support the legal prerequisites for military maritime mobility.** The U.S. relies on this support in a variety of contexts, ranging from the International Maritime Organization and regular bilateral interactions with partners and allies, such as the Proliferation Security Initiative,100 where there is direct evidence that non-party status has inhibited U.S. counter-proliferation efforts.101 UNCLOS membership would also enhance the U.S.’ influence with other states as they continue to evaluate their own practices and legal positions.102 Although there may have been a time when the U.S. could simply declare its will and rely on the persuasive power of its global presence and naval gross tonnage to ensure cooperation, **the guarantors of success in the modern maritime domain are more likely successfully coordinated coalitions and bilateral relationships.103 UNCLOS membership would provide a strong foundation for both**

**Patrick**, Stewart M. “(Almost) Everyone Agrees: The U.S. Should Ratify the Law of the Sea Treaty.” **The Atlantic**, Atlantic Media Company, 13 June **2012**, www.theatlantic.com/international/archive/2012/06/-almost-everyone-agrees-the-us-should-ratify-the-law-of-the-sea-treaty/258301/

**All of the uniformed services--and especially the U.S. Navy--are solidly behind UNCLOS.** American military leaders have always been discriminating when it comes to treaties, traditionally resisting those (like the Rome Statute of the ICC) that might put U.S. servicemen and women at risk. But they support UNCLOS because it will enable, rather than complicate, their mission. Because the United States was the principal force behind the negotiation of UNCLOS, it contains everything the U.S. military wants, and nothing that it fears.

### A/2: Technology Transfers

1. **Delink. Tong of The University of The Pacific writes that new annexes in Article 302 the treaty note that “Nothing in this Convention shall be deemed to require a State Party, in the fulfillment of its obligations under this Convention, to supply information the disclosure of which is contrary to the essential interests of its security.”**
2. **If you grant them the link, it only goes to developing nations in UNCLOS, not China.**

**Tong**, Randy W. "It’s Time to Get Off the Bench: The U.S. Needs to Ratify the Law of the Sea Treaty Before It’s Too Late ." **The University of the Pacific Law Review**. Vol. 48, No. 2 (**2017**): 318-341.

 result of Implementation Agreement, Section 5 of the treaty has been replaced by a set of general principles relating to technology transfers with a developing Member State.214 **Furthermore, the treaty includes language to prevent technology transfers in the event it poses a national security risk to the U.S.215 Article 302 states: “Nothing in this Convention shall be deemed to require a State Party, in the fulfillment of its obligations under this Convention, to supply information the disclosure of which is contrary to the essential interests of its security.”**216 Only through the ratification of UNCLOS will the U.S. be able to truly provide American companies with the support and competitive edge that they have been craving for three decades.217 Without the risk of mandatory technology transfers, U.S. companies have nothing to lose and much to gain from the stability and predictability UNCLOS provides.218 To avoid losing American jobs to foreign locations like the U.K., the U.S. needs to accede to UNCLOS to help foster a deep seabed mining industry for U.S. companies and create jobs in this potentially lucrative and emerging industry.219

<http://www.un.org/depts/los/cwonvention_agreements/texts/unclos/part14.htm>

### A/2: Submarines

1. **Recognize that Russia literally kept submarines off of the coast of Sweden and no international body cares, meaning there’s no impact.**
2. **If these submarines were so secret for intel, I’d argue that we wouldn’t know they existed. We know about them because Mizokami of Popular Mechanics writes that the submarines jobs is for deterrence and nuclear misses. There’s no reason as to why being 10 or 13 miles in or out of UNCLOS makes a difference for this.**
3. **Submarines can function in both worlds for 2 reasons.**
	1. **Underwater launches. The National Interest writes that submarine Trident misses have a range of 4,600 miles.**
	2. **Intelligence. Things like sonar and radar work a lot further out than just the territorial areas.**

<https://www.warhistoryonline.com/instant-articles/swedens-defense-russian-submarines.html>

**Mizokami**, Kyle. “Here Are All the Fighting Submarines of the U.S. Navy.” **Popular Mechanics**, Popular Mechanics, 11 Apr. **2018**, www.popularmechanics.com/military/navy-ships/a19746695/us-navy-subs-infographic/

The eighteen submarines at the top of the graphic are Ohio-class vessels. Built in the 1980s, the Ohio-class boats are armed with Trident D-5 submarine launched ballistic missiles. **Their only job is to take nuclear missiles to sea where they are effectively invulnerable, deterring other countries from launching a surprise attack**. Fourteen Ohios remain on the nuclear deterrence mission, while four Ohios were made redundant by arms control agreements and converted to each carry 154 Tomahawk land attack cruise missiles.

**Mizokami**, Kyle. “Ohio-Class Ballistic-Missile Submarines: The U.S. Military's Ultimate Weapon?” The National Interest, **The Center for the National Interest**, 16 Sept. **2017**, [nationalinterest.org/blog/the-buzz/ohio-class-ballistic-missile-submarines-the-us-militarys-22343](http://nationalinterest.org/blog/the-buzz/ohio-class-ballistic-missile-submarines-the-us-militarys-22343)

**The Ohio boats packed twenty-four Trident C-4 missiles, each with a range of 4,600 miles and carrying eight one-hundred-kiloton warheads.** This was a marked improvement over the earlier Poseidon missile, which had a range of just 2,876 miles. While Poseidon could easily hit Moscow from the Norwegian Sea, more distant targets in central Russia and Soviet Central Asia were out of reach. The C-4 allowed the Ohio class to strike the same area from as far as the mid-Atlantic, or the entire western half of the USSR if operating east of Iceland. Altogether, each submarine boasted a total of 19.2 megatons in nuclear weapons.

### A/2: Intelligence

1. **Delink. The Director of Intelligence reports that the US has 17 intelligence agencies, and only 1 of them operates at sea. Make them prove:**
	1. **How much info are we actually revealing.**
	2. **Why ships are so important. BBC reports that Edward Snowden’s document leak suggests we have 5 main types of global intelligence gathering, and none of them mention using ships.**
	3. **Why we can’t just repurpose other agencies.**
2. **No impact. Two warrants.**
	1. **Taft of The Senate reports we already follow intelligence laws governed by UNCLOS.**
	2. **UNCLOS gives us a seat on the table, we can veto.**
3. **Turn. Two reasons.**
	1. **Taft for The Senate reports that because the new laws of UNCLOS are more broad, the US would report less intelligence.**
	2. **Oliver at the ILSA explains that joining UNCLOS would allow the US to challenge the intelligence activities done in its boundaries, making us more secure.**

<https://www.intelligence.gov/how-the-ic-works>

“US Spy Leaks: How Intelligence Is Gathered.” **BBC News**, BBC, 24 June **2015**, [www.bbc.com/news/world-us-canada-24717495](http://www.bbc.com/news/world-us-canada-24717495)

**Documents leaked by whistleblower Edward Snowden suggest the US government has undertaken mass surveillance operations across the globe - including eavesdropping on US allies.** The claims have led US Senate's intelligence committee to pledge to review the way the country's biggest intelligence organisation - the National Security Agency (NSA) - undertakes surveillance. According to the leaks, what are the key methods the spy agency uses?

Taft, William H. "Statement of William H. **Taft** IV (April 8, **2004**): Accession to the 1982 Law of the Sea Convention and Ratification of the 1994 Agreement Amending Part XI of the Law of the Sea Convention ." Testimony before the **U.S. Senate Committee on Armed Services**, April 8, 2004

The question has been raised whether the Convention (in particular articles 19 and 20) prohibits intelligence activities or submerged transit in the territorial sea of other States. It does not**. The Convention’s provisions on innocent passage are very similar to article 14 in the 1958 Convention on the Territorial Sea and the Contiguous Zone, to which the United States is a party. (The 1982 Convention is in fact more favorable than the 1958 Convention both because the list of non-innocent activities is exhaustive and because it generally uses objective, rather than subjective, criteria in the listing of activities.)** A ship does not, of course, enjoy the right of innocent passage if, in the case of a submarine, it navigates submerged or if, in the case of any ship, it engages in an act in the territorial sea aimed at collecting information to the prejudice of the defense or security of the coastal State, but such activities are not prohibited by the Convention. In this respect, the Convention makes no change in the situation that has existed for many years and under which we operate today.

**Oliver**, John T. "National Security and the U.N. Convention on the Law of the Sea: U.S. Coast Guard Perspectives." **ILSA** Journal of International and Comparative Law. Vol. 15, No. 2 (**2008-2009**): 573-586.

In the mid-1980s the Soviets had drawn a system of straight baselines in the Arctic Ocean. Segment 8-9 is a twenty-six mile line that enclosed Motovsky and Kola Bays. According to the military experts writing in press and magazine accounts, on February 11, 1992, USS Baton Rouge was lurking in what it thought to be international waters when it and a Sierra-class Russian submarine collided.25 In the ensuing diplomatic dispute, the U.S. Navy claimed that the collision occurred more than twelve miles from the "normal baseline," the shoreline, which placed it well within international waters. However, Russia claimed that the U.S. submarine was operating illegally while submerged within its territorial sea as measured from their claimed straight baseline. Years later, when another Russian submarine, Kursk, sank under mysterious circumstances in the same general area, the Russian Navy immediately claimed that it was the fault of the United States, which had intelligence gathering submarines in the area monitoring the Russian exercises.26 If **the United States and Russia were both Party to the Convention, we would likely be able to resolve the legality of this particular baseline segment and avoid such potential incendiary incidents. We continue to have similar disputes concerning excessive straight baseline claims with many other countries all over the world, including China, Iran, Colombia, and Vietnam.**

### A/2: Appeasement

1. **This argument is logically flawed. If the US is doing the opposite of China wants by gaining power in the East through UNCLOS, it is obviously not appeasement.**
2. **Vanecko of The Naval War College gives two reasons why joining contests China.**
	1. **First, it gives diplomatic protests and freedom of navigation assertions more strength, stopping China’s ability to question the United States or assert dominance.**
	2. **Second, it gives the newly gained support from the other 160 nations, allowing for more aggressive assertion of navigational rights.**
3. **Turn. Appeasement is for the better, as Clegg of The Financial Times explains that in UNCLOS, you open the door to renegotiating the terms on the US’s level.**

**Vanecko**, Jonathan J. "Time to Ratify UNCLOS; A New Twist on an Old Problem." **Naval War College**. N.p., 4 May **2011**. Web. 13 July 2018. <http://www.dtic.mil/dtic/tr/fulltext/u2/a546081.pdf>

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.

**Clegg**, Jenny. “Subscribe to the FT to Read: Financial Times If the US and China Are Unhappy with Unclos, Let Them Renegotiate It.”, **Financial Times**, Financial Times, **2016**. [www.ft.com/content/a8975024-4a78-11e6-8d68-72e9211e86ab](http://www.ft.com/content/a8975024-4a78-11e6-8d68-72e9211e86ab)

**If China and the US are both unhappy with Unclos, as they evidently are, then let them sit down and renegotiate it.** The fact is that Unclos is hardly watertight. That so many other countries sought to avail themselves of the opt-outs available in Article 298, when signing up to the treaty, suggests there would be wide support for revision. Surely finding agreement on new rules for the world’s waters would be the best way to avoid the escalation of US-China competition in the South China Sea into war.

### A/2: ASEAN

1. **China has historically ignored ASEAN, which is why they’ve been negotiating since 2002. It’s non-binding, won’t accomplish anything.**
2. **Turn. ASEAN only makes matters worse.**
	1. **De Castro of The Philippine Star explains that if ASEAN accepts China, it will allow Beijing to veto any Asian state’s plans to conduct exercise with countries like US, Australia, and Japan making China the dominant navy. If we both agree US presence is a good thing, voting for them on ASEAN gets rid of it.**
	2. **DW News explains that because of differences and mistrust between different members, ASEAN has not reached a consensus ever. This is key, because ASEAN decisions have to be unanimous. US negotiations is a pick and choose process; always preferable.**
3. **Kuok of The Brookings institute writes that a successful implementation of UNCLOS would bring certainty to the table of ASEAN by clearly identifying land claims. UNCLOS is the prerequisite to a binding and successful ASEAN.**

**Castro**, Renato Cruz De. “Commentary: Falling for China's Trick in the COC Framework Negotiations.” Philstar.com, **The Philippine Star**, 17 Aug. **2018**, [www.philstar.com/other-sections/news-feature/2018/08/17/1843428/commentary-falling-chinas-trick-coc-framework-negotiations](http://www.philstar.com/other-sections/news-feature/2018/08/17/1843428/commentary-falling-chinas-trick-coc-framework-negotiations)

Experts and analysts agree that **if ASEAN accepts China’s second proposal as part of the COC, this will effectively allow Beijing to veto any Southeast Asian state’s plans to conduct joint naval exercises with the US, Australian and Japanese navies. This will effectively make the People’s Liberation Navy the dominant navy operating in Southeast Asian waters**. A prominent Singaporean strategic analysis of the International Institute for Strategic Studies, Dr. William Choong, rightly discerned that China is using the negotiation for the COC framework as “a gambit to corral (the ASEAN member states) into a China-ASEAN modality and not have any external parties involved in any of these exercises.”

Deutsche Welle. “The ASEAN Way: Where Is It Leading? | **DW** | 07.08.2017.” DW.COM, 7 Aug. **2017**, [www.dw.com/en/the-asean-way-where-is-it-leading/a-39998187](http://www.dw.com/en/the-asean-way-where-is-it-leading/a-39998187)

**Keeping ASEAN together despite these deep cultural, economic and political differences - along with mistrust between different members - has always been an immense challenge.** The framework for cooperation is based on non-intervention and consensus. **All ASEAN decisions must be unanimous.** The alliance also is not permitted to intervene in members' matters of national interest. This special political style is proudly known as the "ASEAN way." It is characterized by an informal and personal approach that aims at conflict prevention and is often not carried out in public. It is also important not to embarrass members or to drive them into a corner.

<https://www.forbes.com/sites/timdaiss/2016/06/15/afraid-of-china-southeast-asia-refuses-to-stand-up-to-beijing/#66980d81313a>

Of the ten member block, only Vietnam, the Philippines, Brunei and Malaysia have overlapping claims with China. Those member states without over lapping claims likely believe that forming a consensus against China is not worth disturbing their growing ties and economic trade with Beijing. **ASEAN's failure to reach a consensus is not surprising**, while Beijing's South China Sea activities, if ever checked, will be done so by the U.S. and other individual nations, namely Japan, Australia, India, Vietnam and the Philippines.

<https://www.brookings.edu/wp-content/uploads/2016/06/overcoming-impasse-south-china-sea-kuok.pdf>

UNCLOS, however, provides that a state could be entitled to an EEZ of less than 200 nm in a situation of overlapping EEZs.52 **A successful implementation of the proposal would bring certainty to the table and ASEAN claimants would benefit from being able to develop areas clearly identified as beyond contestation**. It will not mean that ASEAN claimants’ rightful claims are confined to these areas. Rather, this would be the bare minimum of their entitlement.

## A/2: Environment

### A/2: Arctic Drilling

1. **We get the concession that companies drill for profit. This means that down the line, when oil inevitably runs out everywhere, we will drill in the Arctic meaning their impacts happen eventually. No difference now rather a couple more years down the line.**
2. **Drilling should’ve happened in the short term for 2 reasons.**
	1. **Subsidiaries. If countries in the US wanted to drill, they would just create foreign subsidiaries to mine in other places, but they haven’t.**
	2. **US grants. Shell got the ability and tried to drill, but pulled out due to a loss of money.**
3. **There are 5 reasons as to why drilling will never occur now.**
	1. **Other sources. Worland of TIME writes that there has been a rapid growth of oil resources in fracking, which is less risky, so there’s no switch.**
	2. **Opposition. Koch of NatGeo writes that companies become the target of campaigns that damage their reputation, decreasing incentive.**
	3. **Profit. Murphy of USA Today notes that oil prices need to be between 60 to 70 dollars a barrel to drill in the Arctic, but they are below 40 dollars, meaning there is no profit incentive.**
	4. **Saudi glut. Sider at The Business Times explains last year that Saudi slashed oil prices, decreasing sales and crude prices by 9 percent, so drilling won’t last if we try to make extra oil.**
	5. **Infrastructure. Waldman of Scientific American writes that only 5 percent of the Arctic is mapped, with a lack of ports and icebreakers, stopping far off drilling.**
4. **Even if this only delays, it still delinks. Lynch of Forbes reports that oil producers are shifting to put capital into renewables because returns are higher, so there’s no concentration on the Arctic.**

**Worland**, Justin. “Why Oil Companies May Not Be Interested in Drilling ANWR.” **Time**, Time, 6 Nov. **2017**, [time.com/5011486/anwr-arctic-national-wildlife-refuge-oilt-drilling/](http://time.com/5011486/anwr-arctic-national-wildlife-refuge-oil-drilling/)

**The declining interest in ANWR follows rapid growth in oil resources elsewhere in the U.S. Fracking technology, which first exploded in use around a decade ago**, fundamentally shifted the U.S. energy market allowing oil companies reach vast reserves of oil previously thought inaccessible. The opening of offshore drilling has also contributed to the shift in dynamics. **The result has been a vast supply and low prices.** The proven U.S. crude oil reserves nearly doubled between 2008 and 2014, according to data from the Energy Information Administration. **At the same time, oil prices are now a fraction of what they were a decade ago.**

But as long as oil prices remain low energy analysts will remain skeptical. An analysis from Bloomberg suggested that the U.S. would earn around $145 million from leasing land in the next decade. **And whether any of that development would lead to drilling is another question. Some once promising projects like Arctic offshore drilling have been halted altogether as a result of cost** while others like the Keystone XL pipeline have a doubtful future even as they enjoy newfound support in Washington from the Trump Administration.

But even if **drilling in the Arctic does not bring in a single dollar of revenue**, Republicans can still count the hypothetical income as though it would help keep the bill from adding even more to the deficit. Then Republicans just need to make up some of the rest of the $1.5 trillion gap.

**Murphy**, David. “Don't Drill in Arctic National Wildlife Refuge. Facts Show It Makes No Sense.” **USA Today**, Gannett Satellite Information Network, 13 Dec. **2017**, [www.usatoday.com/story/opinion/2017/12/13/dont-drill-arctic-national-wildlife-refuge-facts-show-makes-no-sense-david-murphy-column/942680001/](http://www.usatoday.com/story/opinion/2017/12/13/dont-drill-arctic-national-wildlife-refuge-facts-show-makes-no-sense-david-murphy-column/942680001/)

It should be noted as well that shale oil companies in the **lower 48 states can now break even with oil prices below $40 per barrel, while production in the Arctic required between $60 and $70 per barrel. Not many oil companies will jump at these prices**. ConocoPhillips’ bid price was $14.99 per acre, a far cry from $1,300 per acre. The “energy security” argument put forth most recently by Senate Majority Leader Mitch McConnell is unconvincing. Even if oil companies find oil in the Arctic refuge, it will increase U.S. oil reserves to a bit more than 3% of the global total. OPEC has 70%. There is no conceivable path to oil independence by producing oil domestically.

**Lynch**, Michael. “Is The Oil Industry Going Green? And Moving Away From Oil?” **Forbes**, Forbes Magazine, 21 June **2017**, [www.forbes.com/sites/michaellynch/2017/06/21/is-the-oil-industry-going-green-and-moving-away-from-oil/](http://www.forbes.com/sites/michaellynch/2017/06/21/is-the-oil-industry-going-green-and-moving-away-from-oil/)

Similarly, a Wood Mackenzie study found **growing oil industry investment in renewables.” Major oil and gas producers will put more of their capital into wind and solar developments as returns from renewables are poised to exceed some hydrocarbon projects.”**

**Koch**. “3 Reasons Why Shell Halted Drilling In the Arctic.” National Geographic, **National Geographic Society**, 28 Sept. **2015**, [news.nationalgeographic.com/energy/2015/09/150928-3-reasons-shell-halted-drilling-in-the-arctic/](http://news.nationalgeographic.com/energy/2015/09/150928-3-reasons-shell-halted-drilling-in-the-arctic/)

**Shell became the target of a massive “Shell no” campaign that threatened to damage the company’s reputation**. Protesters dangled off a bridge in Portland, Oregon. They kayaked in the path of a 380-foot icebreaker vessel in Seattle’s port, leaving only on police orders. In front of Shell’s London headquarters, they performed a melancholy rendition of “Requiem for Arctic Ice.” "Moving to develop this oil...would be feeding our addiction to fossil fuels at a time when we should be focused on developing and moving clean, cheap and efficient forms of renewable energy into the mainstream," said Cindy Shogan, executive director of the Alaska Wilderness League. She said the Arctic is simply too dangerous a place to drill.

**Sider**, Alison, et al. “Saudis Cut Oil Exports to U.S. to Ease Global Glut.” **The Wall Street Journal**, Dow Jones & Company, 14 June **2017**, [www.wsj.com/articles/saudi-arabia-cuts-u-s-oil-exports-to-work-down-global-supply-glut-1497346203](http://www.wsj.com/articles/saudi-arabia-cuts-u-s-oil-exports-to-work-down-global-supply-glut-1497346203)

**Saudi Arabia is slashing its U.S. oil exports to a nearly three-decade low for this time of the year, intensifying its efforts to reduce a global supply glut that has been pummeling crude prices. State-owned Saudi Arabian Oil Co. expects sales to the U.S. will drop below 1 million barrels a day in June, then slide to about 850,000 barrels a day in July, according to people familiar with the matter.** The July figure would be its lowest export total to the U.S. for that month since 1988, based on figures from the U.S. Energy Information Administration. Saudi Aramco expects its August exports to the U.S. to decline by another 100,000 barrels a day, these people said, which would be the lowest export amount for that month since 2009. **The shift comes as crude markets test some of their lowest prices of the year.** Oil traders have been questioning whether Saudi Arabia and other members in the Organization of the Petroleum Exporting Countries can change that. The group cut output this year in an effort to ease a longstanding glut, but U.S. companies have rushed to fill any void left by OPEC. **U.S. crude prices tumbled more than 9% over the past three weeks** and are down about 13.5% this year, back near where they were before OPEC’s deal was first announced in November.

**Waldman**, Scott. “The U.S. Is Not Ready to Clean Up an Arctic Oil Spill.” **Scientific American**, 19 July **2017**, [www.scientificamerican.com/article/the-u-s-is-not-ready-to-clean-up-an-arctic-oil-spill/](http://www.scientificamerican.com/article/the-u-s-is-not-ready-to-clean-up-an-arctic-oil-spill/)

Murkowski favors more oil exploration in the region, but she raised another significant issue that could affect the energy industry’s push into the Arctic. **She said less than 5 percent of the region has been mapped according to modern standards.** Some navigation is still reliant on mapping conducted during the 18th century by British explorer Capt. James Cook, she said**. In addition to increased infrastructure, ports and icebreakers, the region needs better mapping to accommodate increased traffic, she said at the NOAA event. “At this pace we’re at, it will be a hundred years to chart the Arctic—**which, given what we’re seeing in increased activity, I don’t think that works out, so we need to step it up here,” she said.

### A/2: Oil Spills

1. **Oil was discovered 40 years ago. Shell and tons of governments have drilled. There has also been drilling close to shore, still no spills. No probability.**
2. **Delink. Two reasons.**
	1. **Mack for The Hill reports that the Arctic has the most stringent environmental standards in the world for drilling, so companies aren’t allowed to take risks.**
	2. **World Oil reports that the companies have developed new bio-absorbent technology that efficiently contains oil in the case of a spill in the Arctic.**

**Mack**, Andy. “History Shows Arctic Refuge Drilling Can Be Safe and Responsible.” TheHill, The Hill, 6 Dec. **2017**, [thehill.com/opinion/energy-environment/363613-history-shows-arctic-refuge-drilling-can-be-safe-and-responsible](http://thehill.com/opinion/energy-environment/363613-history-shows-arctic-refuge-drilling-can-be-safe-and-responsible)

They say history repeats itself. Here we are 40 years later and less than 100 miles away, and the Arctic National Wildlife Refuge (ANWR) is the new Prudhoe Bay. The arguments against drilling are the same, but with decades of safe and responsible Arctic development behind us, the facts are getting in the way of the naysayers. Simply put, the negative rhetoric surrounding drilling in ANWR has not kept pace with scientific advances in the oil and gas industry. Multi-lateral wells, directional drilling and extended reach wells are just a few of the advanced technologies that have resulted in increased production, minimum environmental impact and a much smaller land footprint. **Under current legislation, opening the coastal plain of ANWR to oil development would be limited by law to a footprint of 2,000 acres out of the 19 million-acre refuge — or one ten-thousandth of the refuge’s total land mass. Industry regulations have also progressed, and today Alaska has some of the most stringent environmental standards in the world for oil and gas development.** As indigenous stakeholders, the Iñupiat have decades of experience working with industry — helping to implement regulations unique to Arctic conditions in order to protect the land and subsistence resources.

“Lukoil Develops New Technology for Arctic Oil Spill Response.” Exxon Said to Be Planning $12-Billion Bond Sale to Build War Chest, 29 Mar. **2017**, [www.**worldoil**.com/news/2017/3/29/lukoil-develops-new-technology-for-arctic-oil-spill-response](http://www.worldoil.com/news/2017/3/29/lukoil-develops-new-technology-for-arctic-oil-spill-response)

**LUKOIL has developed a new technique to respond to oil spills in the Arctic waters. The new multi-patented technology is based on the use of biosorbents with cold-resistant microbial strains at contaminated salt and fresh waters. null Photo: Lukoil. Pilot testing proved self-destructing biosorbents as the most efficient tool of emergency oil spill response in north latitudes,** where low temperatures and ice conditions make conventional oil containment and recovery methods ineffective. As soon as the new oil spill response technique is approved through the state environmental expert review, it will be integrated across the company's facilities and will become an important component of LUKOIL's biodiversity conservation plan, launched upon the request of the President of the Russian Federation Vladimir Putin, who called for safe development of the Arctic regions.

### A/2: Oil Impacts

1. **Two response to consumption.**
	1. **Murphy of USA Today explains that Arctic oil will only increase US reserves to 3 percent of the global total, while OPEC has 70 percent, there’s no impact.**
	2. **Oil consumption doesn’t change based on where it’s from, only based on price.**
2. **3 responses to climate change.**
	1. **The Union of Concerned Scientists finds that to make a dent in climate change, we need to reduce emissions by up to 80 percent globally.**
	2. **Solomon of The Campbell Textbook explains that temperatures have risen 1.4 degrees in the Arctic since 1961. We should’ve seen impacts but Artic temperature rises won’t spread.**
	3. **Myers of The New York Times writes that many countries like Canada and Russia have set up shop to drill in the Arctic for personal gain, meaning climate change will occur anyways.**

**Murphy**, David. “Don't Drill in Arctic National Wildlife Refuge. Facts Show It Makes No Sense.” **USA Today**, Gannett Satellite Information Network, 13 Dec. **2017**, [www.usatoday.com/story/opinion/2017/12/13/dont-drill-arctic-national-wildlife-refuge-facts-show-makes-no-sense-david-murphy-column/942680001/](http://www.usatoday.com/story/opinion/2017/12/13/dont-drill-arctic-national-wildlife-refuge-facts-show-makes-no-sense-david-murphy-column/942680001/)

**A three year fix – the US Geological Survey estimates the Arctic could hold up to 90 billion barrels of oil. This sounds a lot, but that would only satisfy three years of the world’s oil demand.** These giant, rusting rigs with their inadequate oil spill response plans are risking the future of the Arctic for three years worth of oil. Surely it’s not worth taking such a risk?

It should be noted as well that shale oil companies in the lower 48 states can now break even with oil prices below $40 per barrel, while production in the Arctic required between $60 and $70 per barrel. Not many oil companies will jump at these prices. ConocoPhillips’ bid price was $14.99 per acre, a far cry from $1,300 per acre. The “energy security” argument put forth most recently by Senate Majority Leader Mitch McConnell is unconvincing. **Even if oil companies find oil in the Arctic refuge, it will increase U.S. oil reserves to a bit more than 3% of the global total. OPEC has 70%. There is no conceivable path to oil independence by producing oil domestically.**

<https://www.ucsusa.org/sites/default/files/legacy/assets/documents/global_warming/emissions-target-fact-sheet.pdf>

If we assume the world’s developing nations pursue the most aggressive reductions that can reasonably be expected of them, **the world’s industrialized nations will have to reduce their emissions an average of 70 to 80 percent below 2000 levels by 2050.** In addition, industrialized nations’ cumulative emissions over this period must be no more than 700 GtCO2eq (approximately 40 percent of the global budget).

[Chapter 2, Biology Textbook- Check Schoology]

Along with many other scientists, Susan Solomon, the inter- view for this unit (see pp. 28-29), is worried that these bodies of ice are at risk of disappearing. Global warming, which is caused by carbon dioxide and other “greenhouse” gases in the atmosphere, is having a profound effect on icy environments around the globe**. In the Arctic, the average air temperature has risen 1.4°C just since 1961.**

**Myers**, Steven Lee. “Arctic Council Meeting Starts Amid Russia Tensions.” **The New York Times**, The New York Times, 21 Dec. **2017**, [www.nytimes.com/2015/04/25/us/politics/arctic-council-meeting-russia.html](http://www.nytimes.com/2015/04/25/us/politics/arctic-council-meeting-russia.html)

“The Arctic should be this zone of peace,” Ms. Murkowski said during a recent speech at the Center for Strategic and International Studies in Washington, alluding to the council’s founding purpose. “I absolutely believe that, adhere to it, but I also recognize that within a zone of peace, there is respect that you show for one another.” **The Arctic Council — made up of Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden and the United States, as well as observer nations and organizations — was created in 1996 as a diplomatic forum to address issues that arose from the increased activity in the region.** The council was never intended to be a forum for debating military and security matters, and until recently, it appeared to be immune to broader political differences.

### A/2: Indigenous People

1. **Turn. Helps indigenous people for 3 reasons.**
	1. **UNCLOS inherently means we drill further away from shore because it expands the economic zone, preserving people.**
	2. **Royalties. Bloomberg explains that companies pay a 18 percent royalty rate on their leases. These benefit indigenous people, as Cochran of the Inuit Council explains that the royalties help to fund schools, infrastructure, and transportation.**
	3. **Jobs. Houck of Penn State reports that Arctic drilling under UNCLOS would make 55,000 jobs for indigenous people.**
2. **For these reasons, The Voice of The Arctic quantifies that 86 percent of indigenous people view the oil and gas industry as favorable and unanimously voted on development.**

**Dlouhy**, Jennifer A. “U.S. Advisory Panel Pushes for Lower Offshore Oil Royalties.” Bloomberg.com, **Bloomberg**, 28 Feb. **2018**, www.bloomberg.com/news/articles/2018-02-28/lower-offshore-oil-royalties-urged-by-u-s-advisory-panel

**Most offshore oil and gas leases carry a royalty rate of 18.75 percent today** -- a number established under former President George W. Bush. The Bureau of Ocean Energy Management imposed a 12.5 percent royalty on some shallow-water leases offered during an August auction of Gulf of Mexico tracts. The panel, tasked with ensuring "the public receives the full value of the natural resources produced from federal lands," will continue evaluating possible changes to federal coal leasing and a possible recommendation that Interior aim to develop 20 gigawatts worth of offshore wind power projects.

**Macalister**, Terry. “Arctic Resource Wealth Poses Dilemma for Indigenous Communities.” **The Guardian**, Guardian News and Media, 4 July **2011**, www.theguardian.com/environment/2011/jul/04/arctic-resources-indigenous-communities

"I certainly have **seen the benefits that can come from [oil] royalties. Schools are better. There are swimming pools, gymnasium, cars – and jobs – all the result of billions of dollars." Patricia Cochran, a former chair of the Inuit Circumpolar Council from Alaska**, expresses the view of many indigenous people on industrial development in the Arctic. Vast oil and mineral wealth have brought huge benefits to some communities. But her own conflicted feelings about development neatly sum up the dilemma that indigenous leaders in the region face. In Barrow – Alaska's oil capital – there are also high rates of suicide and depression, while offshore drilling is a threat to subsistence whaling and the hunting of seals and walrus, she points out. So despite the benefits, Cochran is personally quite negative about industrial development and questions the wider benefit to society.

<https://elibrary.law.psu.edu/cgi/viewcontent.cgi?article=1240&context=fac_works>

The potential implications of this extended continental shelf regime are profound. With one of the largest coastlines in the world, the United States is expected to have over 291,000 square miles of extended continental shelf.89 The U.S. continental margin off the coast of Alaska alone may extend to a minimum of 600 miles from the Alaskan baseline.90 Alaska’s extended continental shelf lies over the Arctic Alaska province, one of the many oil- and gas-rich basins in the Arctic.91 It is estimated that there may be almost 73 billion barrels of oil and oil-equivalent natural gas located in the Arctic Alaska province, the second highest estimated production capability of all Arctic provinces.92 **The continental shelf within the 200-mile EEZ under the Beaufort and Chukchi Seas alone may have over 23 billion barrels of oil and 104 trillion cubic feet of natural gas.93 Not only would development of these resources promote energy independence, a U.S. national security objective,94 it would also create almost 55,000 jobs per year nationwide** and generate over $193 billion in federal, state, and local revenue over a fifty-year period.95 Due to delays in Arctic oil and gas exploration in the Chukchi and Beaufort Seas, both within the U.S. 200-mile EEZ, the earliest estimated date of extraction is sometime after 2019.96

**Block**, Samantha. “Alaskans Want More Drilling. Trump and Congress Are Working to Make It Happen.” **The Daily Signal**, The Daily Signal, 20 Oct. 2017, [www.dailysignal.com/2017/10/20/trump-looks-to-open-up-arctic-wildlife-refuge-to-oil-drilling-something-alaskans-want/](http://www.dailysignal.com/2017/10/20/trump-looks-to-open-up-arctic-wildlife-refuge-to-oil-drilling-something-alaskans-want/)

**The Voice of the Arctic Iñupiat, a 21-member nonprofit corporation, unanimously voted to pass a resolution backing “safe and reasonable development” in the wildlife refuge.** **Moreover, the results of a 2017 survey of Kaktovik, a town in the 1002 area**, show that 71 percent of those surveyed think oil and gas has the most significant economic impact on their community. **Eighty-six percent view the offshore oil and gas industry as favorable.** Nevertheless, opponents of drilling argue that there is no need to open the wildlife refuge because oil prices are low. the problem with this argument is that no one knows what the price of oil will be years, let alone decades, from now, and drilling is a multiyear endeavor.

### A/2: Lawsuits

1. **If this argument was true, countries all around the world should be seeing lawsuits. Empirically proven false.**
2. **Kraska of The Naval War College explains that the US already follows the rules of UNCLOS. If our environmental actions already follow UNCLOS, there’s not much to sue for. Make them prove:**
	1. **What ocean environment problems the US has- UNCLOS is a maritime treaty.**
	2. **Why this would go to higher courts if America already has a cop out.**
3. **Delink. Medellín v. Texas doesn’t matter for 2 reasons.**
	1. **Doesn’t say that UNCLOS is binding, says Congress has to confirm that it is binding, which they haven’t.**
	2. **The decision was concurring, not majority. The Legal Dictionary notes that a concurring decision is never legally binding. There is no ground to sue.**

**Gallo**, William. “Why Hasn't the US Signed the Law of the Sea Treaty?” **VOA**, VOA, 6 June **2016**, [www.voanews.com/a/united-states-sign-law-sea-treaty/3364342.html](http://www.voanews.com/a/united-states-sign-law-sea-treaty/3364342.html)

"**In fact, the irony is that the United States already scrupulously follows the rules in the convention," said James Kraska, an international law expert at the U.S. Naval War College.** But Kraska says the U.S. has more to gain by formally joining UNCLOS, including a more stable legal framework for accessing resources on the extended continental shelf of the U.S. He also says joining the treaty would give the U.S. more credibility on the world stage. "I'm not willing to say it's going to make all the difference, because China is not going to suddenly change their mind, just because we join the convention," he said. "But I think it helps."

<https://supreme.justia.com/cases/federal/us/552/491/>

on writ of certiorari to the court of criminal appeals of texas [**March 25, 2008] Justice Stevens, concurring in the judgment**. There is a great deal of wisdom in Justice Breyer’s dissent. I agree that the text and history of the Supremacy Clause, as well as this Court’s treaty-related cases, do not support a presumption against self-execution. See post, at 5–10. I also endorse the proposition that the Vienna Convention on Consular Relations, Apr. 24, 1963, [1970] 21 U. S. T. 77, T. I. A. S. No. 6820, “is itself self-executing and judicially enforceable.” Post, at 19. Moreover, I think this case presents a closer question than the Court’s opinion allows. In the end, however, I am persuaded that the relevant treaties do not authorize this Court to enforce the judgment of the International Court of Justice (ICJ) in Case Concerning Avena and Other Mexican Nationals (Mex. v. U. S.), 2004 I. C. J. 12 (Judgment of Mar. 31) (Avena).

<https://legaldictionary.net/concurring-opinion/>

Attorneys often refer to majority opinions in the course of trying a case, which provides precedent, or a legal standard by which similar cases have been decided. Because they do not express the opinion of the majority of the court, **concurring opinions are not legally binding, and cannot be referred to as such.** Concurring opinions can, however, offer a view into the appellate court’s thought process in making its decision, and pave the way to viewing a current case differently. Some judges have an open mind when it comes to considering these opinions, and developing new legal rules as a result.