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

## Contention 1 is Entering The Arctic

**The Arctic is a cold treasure trove of resources. Mouawad of The New York Times reports that the Arctic holds 90 billion barrels of undiscovered oil reserved and thirty percent of the world’s natural gas, making it extremely profitable.**

**Mouawad**, Jad. “Oil Survey Says Arctic Has Riches.” The New York Times, **The New York Times**, 24 July **2008**, [www.nytimes.com/2008/07/24/business/24arctic.html](http://www.nytimes.com/2008/07/24/business/24arctic.html)

The assessment, which took four years, found that the **Arctic may hold as much as 90 billion barrels of undiscovered oil reserves, and 1,670 trillion cubic feet of natural gas. This would amount to 13 percent of the world’s total undiscovered oil and about 30 percent of the undiscovered natural gas.**

**Luckily, companies will not drill now. Gardener of The American Security Project explains that companies have expressed the need for the maximum level of legal certainty to explore the Arctic. For example, a group of business leaders wrote a letter to the Senate saying investment in the region needs to be backed by the legal framework of UNCLOS.**

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, thechairman 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.

**However, UNCLOS will allow for Arctic drilling. In fact, Ryan of The Dayton Law Review writes that accession would grant America a claim in the Arctic equal to the size of West Virginia under Article 76 of UNCLOS. She concludes that ratification maximizes legal certainty regarding American rights to resources in the Arctic, allowing for companies to drill.**

<https://udayton.edu/law/_resources/documents/law_review/anarctic_race.pdf>

If the United States ratifies the Convention it could expand its areas for mineral exploration and production by more than 291,383 square miles.**143 The United States’ claim under article 76 would add an area in the Arctic (Chukchi Cap) roughly equal to the area of West Virginia**.144 With a successful claim the United States would have the sole right to the exploitation of all the resources on and under the Arctic Ocean bottom.

The Convention also gives the United States an opportunity to expand its sovereignty rights over resources on and under the ocean floor beyond 200 nautical miles to the end of its continental shelf, up to 350 nautical miles.140 **This mechanism is especially valuable to the United States as it would maximize legal certainty regarding the United States’ rights to energy resources in large offshore areas, including the areas of the Arctic Ocean. However, the United States must ratify the Convention for its claims to be internationally recognized.**141 Not surprisingly, the American oil companies favor ratification, as it will allow them to explore oceans

**The impact to drilling is climate change. Because drilling will release greenhouse gases like black carbon, Stockman of Greenpeace finds that it will lead to a 5 degree Celsius warming in global temperatures.**

<http://priceofoil.org/content/uploads/2015/08/OCI-Untouchable_Arctic_FINAL.pdf>

**Arctic drilling would unlock new and unburnable carbon that does not fit in a climate-safe world.** Fossil fuels that have not yet been proven are not burnable in a climate-safe world, given that the vast majority of the fossil fuels we already have access to will need to be left in the ground. f Industry and government claims that **Arctic oil is “needed” are based on oil supply and demand scenarios that will lead to at least 5 degrees Celsius warming** by 2100 – i**.e. climate disaster**

**Unfortunately, Aton of Scientific American in a 70 study meta-analysis writes that there is a 7.4 percent drop in food yields per degree Celsius of warming, leaving billions to starvation.**

<https://www.scientificamerican.com/article/for-crop-harvests-every-degree-of-warming-counts/>

Wheat, corn, rice and soybeans make up two-thirds of humans' caloric intake. Each crop reacts differently to rising temperatures, and the effects vary from place to place. On average**, though, the world can expect** 3.1 **to 7.4 percent less yield per degree Celsius of warming, according to the research.**

## Contention 2 is Preserving Peace

**The world’s once most dangerous hotspot is becoming safer daily. Bo of The National Interest explains this August that the South China Sea is cooling down, as no one has lost the sea and no one will.**

**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.

**Thus, Valencia of The Diplomat reports that the situation has reached a “new normal” that neither China nor America will disturb. While there may be small displays of force, nobody will make the jump to full scale war.**

**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/

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.

**This peace can be attributed due to the America carrying out an increasing number of freedom of navigation operations through its navy. Lan of The Asia Maritime initiative writes that by conducting repeated operations, the U.S. sends clear and costly signals to countries like China in the region that it will not tolerate unilateral changes in the status quo.**

<https://amti.csis.org/usefulness-redundant-fonops/>

As the tempo of U.S. freedom of navigation operations (FONOPS) under the administration of Donald Trump increases, some scholars have argued that the United States should reevaluate the program entirely to avoid unnecessarily provoking China. If FONOPs were intended purely to challenge China’s maritime claims on a legal front, this argument would have been reasonable. After all, China’s rejection of the PCA ruling in 2016 shows that the current struggle in the South China Sea is primarily a political rather than a legal one. However, the effects of U.S. FONOPs are primarily political. **By conducting repeated FONOPs in the South China Sea, the United States could send clear and costly signals to China and other countries in the region that it will not tolerate unilateral changes in the maritime status quo.**

**These operations have worked historically. Brands of The Naval War College writes that in both 2014 and 2016, a containment strategy stopped China from land reclamation efforts through explicit, high level warnings. Brands reasons that this success exists because China is only assertive when it believes it can advance without resistance, but operations draw the line firmly against other advances.**

<https://halbrands.org/wp-content/uploads/2017/12/SCS.pdf>

containment has worked in certain isolated cases that might serve as “proof of concept” for a larger strategy. **In a little-noted incident in 2014, for instance, China stopped seeking to prevent resupply of Philippine marines stationed on Second Thomas Shoal after the United States signaled its commitment by placing a maritime surveillance plane overhead.** In this episode, Vice Admiral Robert Thomas, commander of the U.S. Seventh Fleet, also made a clear statement of U.S. resolve by saying, “Without going into hypotheticals, the Seventh Fleet is going to support this alliance, period.” 31 Similarly, although the United States failed to prevent China from taking effective control of Scarborough Shoal in 2012, **public reports indicate that, in 2016, China backed away from a planned effort to begin land reclamation there after U.S. officials issued explicit, high-level warnings that doing so might disrupt seriously the Sino-American bilateral relationship. 32 In other words, China may be increasingly assertive, but only when it believes it can advance without encountering serious resistance.**

Containment accepts Chinese gains made to date, in recognition of just how difficult and dangerous it would be to reverse those gains**, but draws the line firmly—including by threat or use of military force—against further advances.**

**Overall, Stashwick of the East West Institute writes that American military presence has kept peace in the region for the past 20 years.**

Understanding how such a resolution could be achieved requires recognizing the essential role that U.S. military presence has played in diplomatic progress in the South China Sea over the last twenty years. **The U.S. presence in the South China Sea began expanding in the late 1990s after China seized Mischief Reef from the Philippines in 1995, and since then the region’s territorial disputes have largely frozen** – settled for practical purposes if not legal ones.

**Acceding to UNCLOS would destroy this method of preserving peace in two ways.**

**First is legislation. Article 301 of UNCLOS demands that “States Parties shall refrain from any threat or use of force against the territorial integrity or political independence of any State”.**

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

**Article 301** Peaceful uses of the seas In exercising their rights and performing their duties under this Convention, **States Parties shall refrain from any threat or use of force against the territorial integrity or political independence of any State,** or in any other manner inconsistent with the principles of international law embodied in the Charter of the United Nations

**Article 88 continues that the sea are reserved for peaceful purposes.**

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

**Article 88** Reservation of the high seas for peaceful purposes **The high seas shall be reserved for peaceful purposes.**

**Second is legal wrangling. Blumenthal of The Diplomat writes that the letter of the law under UNCLOS is unclear. Thus, Ku of Foreign Policy writes that if China will be able to America into technical arguments over UNCLOS and cause the force of FONOPS to eventually erode.**

https://foreignpolicy.com/2016/05/16/freedom-of-navigation-operations-in-the-south-china-sea-arent-enough-unclos-fonop-philippines-tribunal/

In fact, it tried to isolate the U.S. legal position. **Drawing a distinction between commercial and military vessels, the Chinese foreign ministry spokesman stated that “no country, except the United States believes in military vessels sailing wherever they want, which is against international law.”** The spokesman went on to say the U.N. Convention on the Law of the Sea (UNCLOS) “allows innocent passage by foreign vessels through others’ territorial waters, but there is no specific term stating that military vessels have such a right.” China then pointed out that several other countries agree with China on the this interpretation of UNCLOS that. The Chinese government is correct that some countries have continued to argue that the rights of innocent passage guaranteed by Article 19 of UNCLOS does not apply to warships. The plain language of Article 19 (“ships of all States”) suggests otherwise since the Convention specifies “warships” in other contexts when naval vessels have special treatment. But the disagreement has persisted over the years. China’s shift from complaining about U.S. violations of its sovereignty to dueling interpretations of UNCLOS reflects a possible shift in its rhetorical and diplomatic strategy. While complaining about U.S. threats to sovereignty would only highlight the aggressiveness of China’s territorial claims, complaining about expansive U.S. naval operations is an issue with which other nations can find common ground with China. Indeed, China’s diplomatic corps has been working overtime to line up sympathetic nations to its non-acceptance of the pending UNCLOS arbitral tribunal case brought by the Philippines. Shifting focus toward arcane interpretations of international law is better and more solid ground for China. The United States has the better and more persuasive interpretation of UNCLOS. **But if China is able to drag the United States into the technical arguments over UNCLOS, some of the political force of the U.S. FONOPs will inevitably erode.**

**The impact to losing freedom of navigation operations is a violent South China Sea.**

**Because of these operations, Khalilzad of The National Review finds that the U.S. is the most significant barrier facing Chinese aggression.**

**Khalilzad**, Zalmay. “The Economy and National Security.” **National Review**, National Review, 7 Feb. **2011**, www.nationalreview.com/2011/02/economy-and-national-security-zalmay-khalilzad/

As rival powers rise, Asia in particular is likely to emerge as a zone of great-power competition. Beijing’s economic rise has enabled a dramatic military buildup focused on acquisitions of naval, cruise, and ballistic missiles, long-range stealth aircraft, and anti-satellite capabilities. China’s strategic modernization is aimed, ultimately, at denying the United States access to the seas around China. Even as cooperative economic ties in the region have grown, China’s expansive territorial claims — and provocative statements and actions following crises in Korea and incidents at sea — have roiled its relations with South Korea, Japan, India, and Southeast Asian states. **Still, the United States is the most significant barrier facing Chinese hegemony and aggression.**

**Khalilzad furthers that without this American security blanked, regional powers could rearm to balance against emerging threats, increasing arms races, miscalculation, and other crises spiraling into all out conflict.**

**Khalilzad**, Zalmay. “The Economy and National Security.” **National Review**, National Review, 7 Feb. **2011**, www.nationalreview.com/2011/02/economy-and-national-security-zalmay-khalilzad/

The stakes are high. In modern history, the longest period of peace among the great powers has been the era of U.S. leadership. By contrast, multi-polar systems have been unstable, with their competitive dynamics resulting in frequent crises and major wars among the great powers. Failures of multi-polar international systems produced both world wars. American retrenchment could have devastating consequences. **Without an American security blanket, regional powers could rearm in an attempt to balance against emerging threats. Under this scenario, there would be a heightened possibility of arms races, miscalculation, or other crises spiraling into all-out conflict.** Alternatively, in seeking to accommodate the stronger powers, weaker powers may shift their geopolitical posture away from the United States. Either way, hostile states would be emboldened to make aggressive moves in their regions.

**For example, Hooper of Foreign Affairs explains that failing to carry out operations gives Beijing the blank check that it can expand repercussions.**

**Rapp-Hooper**, Mira, and Charles Edel. “Adrift in the South China Sea.” **Foreign Affairs**, Foreign Affairs Magazine, 27 July **2017**, <https://www.foreignaffairs.com/articles/asia/2017-05-18/adrift-south-china-sea?cid=nlc-twofa-20170518&sp_mid=54093816&sp_rid=cnVkeXRpcnJlQGdtYWlsLmNvbQS2&spMailingID=54093816&spUserID=MjEwNDg3NDk2MzU5S0&spJobID=1163043860&spReportId=MTE2MzA0Mzg2MAS2>

**But the operations send an important legal message—that the South China Sea is an international waterway over which China is not entitled to make spurious maritime claims—and failing to carry them out suggests to Beijing that it can expand its reach with impunity.** Worse, it could lead China’s neighbors to accept Beijing’s military outposts and expansive claims as legitimate. Last year, an international tribunal ruled that those claims had no basis in international law.

**Nguyen of Texas A&M puts it simple. If the South China Sea dispute escalates, the livelihoods of millions of people and the economies of many countries are at stake.**

Understanding how such a resolution could be achieved requires recognizing the essential role that U.S. military presence has played in diplomatic progress in the South China Sea over the last twenty years. **The U.S. presence in the South China Sea began expanding in the late 1990s** after China seized Mischief Reef from the Philippines in 1995, and since then **the region’s territorial disputes have largely frozen** – settled for practical purposes if not legal ones.gives

**Because acceding to UNCLOS is only a step towards global instability, we are proud to negate.**